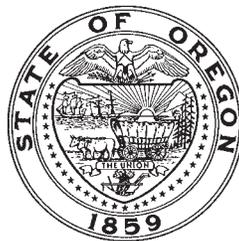


OREGON BULLETIN

Supplements the 2010 *Oregon Administrative Rules Compilation*

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Secretary of State
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INFORMATION AND PUBLICATION SCHEDULE

General Information

The Administrative Rules Unit, Archives Division, Secretary of State publishes the *Oregon Administrative Rules Compilation* and the on-line *Oregon Bulletin*. The *Oregon Administrative Rules Compilation* is an annual print publication containing the complete text of Oregon Administrative Rules (OARs) filed during the previous year through November 15, or the last workday before that if the 15th falls on a weekend or holiday. The *Oregon Bulletin* is a monthly on-line supplement that contains rule text amended after publication of the print *Compilation*, as well as proposed rulemaking and rulemaking hearing notices. The *Bulletin* also publishes certain non-OAR items such as Executive Orders of the Governor, Opinions of the Attorney General, and Department of Environmental Quality cleanup notices.

Background on Oregon Administrative Rules

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

How to Cite

Every administrative rule uses the same numbering sequence of a three-digit chapter number followed by a three-digit division number and a four-digit rule number (000-000-0000). Example: Oregon Administrative Rules, chapter 166, division 500, rule 0020 (short form: OAR 166-500-0020).

Understanding an Administrative Rule’s “History”

State agencies operate in a dynamic environment of ever-changing laws, public concerns and legislative mandates which necessitate ongoing rulemaking. To track changes to individual rules and organize the rule filing forms for permanent retention, the Administrative Rules Unit has developed for each rule a “history” which is located at the end of the rule text. An administrative rule “history” outlines the statutory authority, statutes implemented and dates of each authorized modification to the rule text. Changes are listed in chronological order and identify in abbreviated form the agency, filing number, year, filing date and effective date. For example: “OSA 4-1993, f. & cert. ef. 11-10-93” documents a rule change made by the Oregon State Archives (OSA). The history notes this was the 4th filing from the Archives in 1993, it was filed on November 10, 1993 and the rule changes became effective on the same date. The most recent change to each rule is listed at the end of the “history.”

Locating the Most Recent Version of an Administrative Rule

The on-line *OAR Compilation* is updated on the first of each month to include all rule actions filed with the Administrative Rules Unit, Secretary of State’s office by the 15th of the previous month, or by the last workday before the 15th if that date falls on a weekend or holiday. The annual printed *OAR Compilation* contains the full text of all rules filed during the previous year through November 15, or the last workday before that if the 15th falls on a weekend or holiday. Subsequent changes to individual administrative rules are listed by rule number in the OAR Revision Cumulative Index which is published monthly in the on-line *Oregon Bulletin*. These listings include the effective date, the specific rulemaking action, and the

issue of the *Bulletin* that contains the full text of the amended rule. The *Bulletin* contains the full text of permanent and temporary rules filed for publication.

Locating Administrative Rules Unit Publications

The *Oregon Administrative Rules Compilation* and the *Oregon Bulletin* are available on-line through the Oregon State Archives web site at <<http://arcweb.sos.state.or.us>>. Printed volumes of the *Compilation* are deposited in Oregon’s Public Documents Depository Libraries listed in OAR 543-070-0000. Complete sets and individual volumes of the *Compilation* may be ordered by contacting: Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, OR 97310, (503) 373-0701, Julie.A.Yamaka@state.or.us

2009–2010 Oregon Bulletin Publication Schedule

The Administrative Rules Unit accepts proposed rulemaking notices and administrative rule filings Monday through Friday, 8:00 am to 5:00 pm, at the Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310. To expedite the rulemaking process agencies are encouraged file a Notice of Proposed Rulemaking Hearing specifying hearing date, time and location, and submit their filings early in the submission period to meet the following deadlines:

Submission Deadline — Publishing Date

December 15, 2009	January 1, 2010
January 15, 2010	February 1, 2010
February 12, 2010	March 1, 2010
March 15, 2010	April 1, 2010
April 15, 2010	May 1, 2010
May 14, 2010	June 1, 2010
June 15, 2010	July 1, 2010
July 15, 2010	August 1, 2010
August 13, 2010	September 1, 2010
September 15, 2010	October 1, 2010
October 15, 2010	November 1, 2010
November 15, 2010	December 1, 2010

Reminder for Agency Rules Coordinators

Each agency that engages in rulemaking must appoint a rules coordinator and file an “Appointment of Agency Rules Coordinator” form, ARC 910-2003, with the Administrative Rules Unit, Archives Division, Secretary of State. Agencies which delegate rulemaking authority to an officer or employee within the agency must also file a “Delegation of Rulemaking Authority” form, ARC 915-2005. It is the agency’s responsibility to monitor the rulemaking authority of selected employees and to keep the appropriate forms updated. The Administrative Rules Unit does not verify agency signatures as part of the rulemaking process. Forms are available from the Administrative Rules Unit, Archives Division, 800 Summer Street NE, Salem, Oregon 97301, (503) 373-0701, or are downloadable at <<http://arcweb.sos.state.or.us/banners/rules.htm>>

Publication Authority

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

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EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 10 - 07

REBUILDING VERNONIA'S SCHOOLS AND THE SURROUNDING COMMUNITY IN THE WAKE OF THE DECEMBER 2007 STORM

During the December 2007 storm, eleven inches of rain fell in little more than a day, causing flooding in thirty-five square miles of Columbia County. At my direction, state agencies including the Oregon National Guard, the Office of Emergency Management, and the Department of Corrections, responded to offer help, aid, and assistance.

Much of Vernonia's public infrastructure and property was damaged or destroyed in the flood. The flood damaged every public school building. As much as five feet of floodwater poured into the elementary school, and water rendered the middle school and high school uninhabitable. Since the flood, the nearly 700 students of the school district have had to attend school in the minimally-repaired grade school building, the middle school, and modular classrooms located nearby. Half of the district's 2,200 homes suffered damage, with 800 homes suffering substantial damage, and over 100 homes deemed to be beyond repair.

In addition, the city's infrastructure was significantly impacted by the flood. Water tainted by the compromised sewage system inundated the health clinic, food bank, and senior center, as well as West Oregon Electric's main office and electrical substations. The waste water treatment facility was also severely damaged.

Despite these challenges, much good has happened. The flooding resulted in an outpouring of concern, interest, and aid from across Oregon and from a wide group of interests. Of particular concern has been the rebuilding of the community's schools. In 2008, I designated the recovery effort an Oregon Solutions project and appointed task-force members representing federal, state and local government, private industry, civic organizations and philanthropy to bring capacity to the recovery effort and to chart a course to a successful rebuilding of the schools and community. This designation continues to attract valuable new partners to the table.

The community is working valiantly to rebuild. In November 2009, Vernonia School District voters approved a \$13 million bond to build a new integrated K-12 school complex outside of the flood plain in Spencer Park. Oregon Solutions will continue to lead the effort to close the gap in financing needed to rebuild the schools.

Notwithstanding the fact that it experienced two significant and damaging flood events in eleven years, Vernonia can be seen as a classic example of the decline of Oregon's rural resource based economy. This community was one of the first historic timber towns to see the loss of its forest products infrastructure. If a strategy can be designed and implemented to bring this community back, beginning with its schools, the economy of the surrounding region can be revitalized. In addition to this significant achievement, a model will be in place that can then be replicated across other hard hit communities of the state. Success in Vernonia will send an important message that the tools exist to rebuild economic viability in Oregon's rural, as well as its urban communities.

To facilitate reconstruction of Vernonia's damaged schools and to bring about the economic revitalization of the region, agencies are encouraged to think broadly and creatively about actions that can be taken. This Order directs state agencies to work collaboratively and assist Vernonia and its surrounding community to rebuild its schools and public infrastructure.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. All state agencies with roles and responsibilities for oversight, funding and regulation shall work in a cooperative and coordinated manner with local and federal government entities to assist Vernonia's efforts to rebuild its public schools. When consistent with state and federal law, agencies shall provide help, aid and assistance and give priority to the immediate task of school rebuilding. In particular, the following actions shall be taken:

a. The Oregon Parks and Recreation Department (OPRD) shall give priority to the processing of the application to the National Park Service for the conversion of Spencer Park to a non-park use for the new school complex;

b. The Oregon Department of Transportation (ODOT) shall work cooperatively with the school district for the proposed changes to the intersection of Highway 47 and Missouri Avenue, which will provide primary access road for the new school complex;

c. The Department of State Lands shall give priority to the review of removal/fill permit applications and wetland mitigation requirements related to school site development;

d. The Oregon Department of Geology and Mineral Industries (DOGAMI) shall help with Light Detection and Ranging (LIDAR) data collection, interpretation and application in assessing school location safety, potential flood threats, and wastewater runoff proposals; and

e. The Oregon University System, the Department of Community Colleges and Workforce Development and Oregon State University will explore opportunities to add forest management programs and curriculum at the new school campus, including research, training and help in promoting the development of businesses and infrastructure utilizing wood as an economic resource.

2. State agencies shall also strive to assist Vernonia's efforts to rebuild and restore essential public infrastructure. In particular, the following actions shall be taken:

a. OPRD shall work with the city to transfer a parcel of property adjacent to the Banks Vernonia State Trail for the purposes of establishing facilities to provide senior services, a food bank, and community health services. OPRD shall also assist the city in planning for the use of the hundred plus acres of land to be acquired through the Federal Emergency Management Agency (FEMA) buyout program and in its ultimate use in the city as an open space in perpetuity;

b. The Department of Environmental Quality (DEQ) shall give priority to the review of the environmental assessment for the new waste water treatment facility and explore wastewater funding opportunities for the community. DEQ shall also help the city to overcome the effects of existing environmental contamination by providing Brownfield technical assistance to affect safe and timely property redevelopment;

c. The Department of Land Conservation and Development shall continue to assist the community of Vernonia in land use planning for its urban area in light of updated information concerning development hazards and evolving community needs associated with economic revitalization;

d. ODOT shall give priority to reviewing and providing technical assistance with transportation system improvements in response to flood recovery efforts; and

e. The Oregon Business Development Department shall promote access to the Special Public Works Fund, the Immediate Opportunity Fund and where appropriate, funding using the State Small

EXECUTIVE ORDERS

Cities Community Development Block Grant Program to make available local health clinic, food bank and senior center facilities.

3. State agencies shall seek to facilitate economic development and revitalization in Vernonia. Specifically, the following actions shall be taken:

a. The Oregon Department of Forestry shall explore opportunities to facilitate the delivery of a renewable wood fuel supply from the Tillamook and Clatsop State Forests, as well as private ownerships in the region. Agency activities related to developing wood as a renewable fuel source in northwest Oregon will be considered an important priority;

b. The Oregon Department of Energy shall assist with identifying and securing renewable energy and sustainable building upgrade opportunities; and

c. To the extent consistent with the DAS Facilities Division facility siting process (Policy Number 125-6-115) and the agency's mission, agencies shall consider siting a state facility in Vernonia.

4. The Oregon Military Department's Office of Emergency Management shall continue to work closely with federal agencies in

the coordination of recovery efforts and in working to secure appropriate help and funding.

5. State agencies shall continue to communicate and collaborate with the Oregon Solutions taskforce about school and infrastructure rebuilding efforts as well as economic development opportunities.

6. State agencies shall report to the Governor on a periodic basis, as requested, regarding their progress in implementing this Order.

7. This order expires on June 30, 2013.

Done at Salem, Oregon, this 3rd day of August, 2010.

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

ATTEST

/s/ Kate Brown
Kate Brown
SECRETARY OF STATE

OTHER NOTICES

DEQ DETERMINES NO FURTHER ACTION REQUIRED MCCOLLUM AUTOMOTIVE SITE, LEBANON, OREGON

PROJECT LOCATION: 2020 South Santiam Highway, Lebanon
HIGHLIGHTS: The Oregon Department of Environmental Quality has approved the cleanup conducted at the former McCollum Automotive site at 2020 South Santiam Highway in Lebanon, Oregon. As a result of this approval, DEQ has issued a determination that no further action is required for cleanup of the site.

The property is an active sales and service business that previously held numerous underground tanks holding petroleum products. Multiple releases have been reported and investigated at the facility, and three separate areas of contamination are addressed in this report. Analysis for volatile organic compounds showed some contamination remaining in soil and groundwater in 2009 sampling.

Based on available data, the site is considered safe for commercial or industrial uses. DEQ has concluded that there is no threat to human health and the environment under current site conditions.

A file containing detailed information for the site is available for review in DEQ's office located in Suite 100 at 165 East 7th Avenue in Eugene. Questions concerning this site should be directed to Cathy Rodda at DEQ's Eugene office by calling her at 541-687-7325 or toll-free in Oregon at 1-800-844-8467, extension 7325.

NOTICE FOR COMMENT ON PROPOSED CLOSURE FOR GROUNDWATER FORMER BATTIN POWER SERVICE

COMMENTS DUE: September 30, 2010

PROJECT LOCATION: 10000 SE 82nd, Portland, OR

PROPOSAL: As required by ORS 465.320, the Department of Environmental Quality (DEQ) invites public comment on a proposed no further action (NFA) decision for groundwater at the Former Battin Power Service (Battin) site. A NFA was issued for soil in 1999.

HIGHLIGHTS: The 2.91-acre site is located in southeast Portland, and currently used for parking (paved) for an adjacent Wal-Mart store. In the 1950s through early 1990s the site was used for commercial activities including metal scrap collection and the repair/sale of electrical transformers. Groundwater investigation identified solvents in groundwater beneath the site, and extending off-site to the south-southwest. One in-use domestic well was identified in the vicinity of groundwater contamination. A natural attenuation remedy consisting of groundwater monitoring was selected by DEQ in 2006 to confirm declining trends in groundwater contamination and that the domestic well was not impacted. Monitoring was successfully completed in 2009. Low-level residual groundwater contamination does not pose a risk to public health or the environmental. A NFA will be issued following this public notice period.

HOW TO COMMENT: Site files are available for public review at DEQ's Northwest Region Office in Portland. To schedule an appointment to review files in call (503) 229-6729. The DEQ Project Manager is Daniel Hafley, (503) 229-5417. Written comments should be sent to the Project Manager at the DEQ, Northwest Region, 2020 SW 4th Ave., Portland, OR 97201 or hafley.dan@deq.state.or.us by September 30, 2010.

THE NEXT STEP: DEQ will consider all public comments and the Regional Administrator will make and publish the final decision after consideration of these comments.

REQUEST FOR COMMENTS PROPOSED REMEDIAL ACTION AT SUNRIVER OWNERS ASSOCIATION AMPHITHEATER SITE PUBLIC COMMENT PERIOD EXTENDED

COMMENTS DUE: 5 p.m. on October 1, 2010

PROJECT LOCATION: Beaver Drive, Sunriver, Oregon

PROPOSAL: The Oregon Department of Environmental Quality proposes to recommend a remedial action to address the presence of asbestos containing material in soil at the Sunriver Owners Associ-

ation Amphitheater Site. DEQ has determined that the recommended remedial action meets state requirements to protect human health and the environment.

HIGHLIGHTS: The public comment period has been extended for a month, from September 1 to October 1, 2010. The recommended remedial action consists of capping the asbestos containing material in-place with clean soil, asphalt, or concrete, and institutional controls to maintain and monitor the cap.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Bend Office, 475 NE Bellevue Drive, Suite 110, Bend, Oregon 97701. To schedule an appointment to review the file or ask questions, please contact Marcy Kirk at 541-633-2009. To access site summary information and the staff report in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 4179 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 4179 in the Site ID/Info column. Send written comments by 5 p.m., October 1, 2010 to Marcy Kirk, Project Manager at the above address or to kirk.marcy@deq.state.or.us.

THE NEXT STEP: DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the recommended remedial action.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us.

People with hearing impairments may call the Oregon Telecommunications Relay Service at 1-800-735-2900. Give the phone number (541-633-2009).

A CHANCE TO COMMENT ON PROPOSED CONSENT JUDGMENT FOR A PROSPECTIVE PURCHASER AGREEMENT AT THE FORMER NUWAY II CLEANERS SITE IN LEBANON, OREGON

COMMENTS DUE: September 30, 2010

PROJECT LOCATION: 535 S. Main Street, Lebanon, Oregon.

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to enter into a Consent Judgment for a Prospective Purchaser Agreement (PPA) with Vine Street LLC for the former NuWay II Cleaners property located at 535 S. Main Street, Lebanon, Oregon (the "Property").

HIGHLIGHTS: Vine Street LLC (Vine Street) is acquiring the Property to make repairs to the building and maintain the Property in productive commercial use. A dry cleaning shop operated at the property between 1956 and 1976. Soil and groundwater at the Property have been contaminated by dry cleaning solvents, including Stoddard solvent and tetrachloroethylene (PCE or Perc). NuWay II Cleaners is thought to be one of a number of sites in Lebanon that have contributed to groundwater contamination in the vicinity of downtown. The contamination has affected numerous private water supply wells in the area. In 1995 DEQ collected the initial samples adjacent to the site in the city parking lot, and high levels of PCE were detected. Since 1995 DEQ has investigated the extent of contamination and performed several interim removal actions to clean up the contamination in soil and groundwater. Cleanup conducted by DEQ has stabilized the site and reduced levels of contamination. DEQ continues to regularly monitor the levels of contamination. No additional cleanup work is planned at this time.

The Consent Judgment will require Vine Street to provide access to the Property for any additional investigation and removal or remedial actions that may be required, and to implement any institutional or engineering controls that may be necessary. Proceeds of the property transaction will partially offset costs DEQ has incurred cleaning up the property to date.

OTHER NOTICES

DEQ's Prospective Purchaser Program was created in 1995 through amendments to the state's Environmental Cleanup Law. The Prospective Purchaser Agreement is a tool that facilitates the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a property with existing contamination. DEQ has approved more than 100 Prospective Purchaser Agreements throughout the State since the program began.

The proposed Consent Judgment will provide Vine Street with a release from liability for claims by the State of Oregon under ORS §465.255 relating to any historical releases of hazardous substances at or from the Property. The proposed Consent Judgment will also provide Vine Street with protection from potential contribution actions by third parties for recovery of remedial action costs associated with any historical releases at or from the Property. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases.

HOW TO COMMENT: Written comments concerning the proposed Consent Judgment should be sent to Don Hanson, Oregon DEQ – Eugene office, 165 E. 7th Avenue, Suite 100, Eugene, OR 97401. Comments must be received by DEQ by 5:00 pm September 30, 2010. Questions may be directed to Mr. Hanson at that address or by calling (541) 687-7349. The proposed Consent Judgment and DEQ file on the Property may be reviewed at DEQ's Western Region office in Eugene by contacting Don Hanson at (541) 687-7349.

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

A CHANCE TO COMMENT ON DEQ STAFF REPORT RECOMMENDING A FINAL REMEDY AND THE PROPOSED CONSENT JUDGMENT FOR A PROSPECTIVE PURCHASER AGREEMENT AT THE FRED WAHL SHIPYARD, TOLEDO, OREGON

COMMENTS DUE: October 1, 2010

PROJECT LOCATION: 621 and 1000 Altree Lane, Toledo, Oregon.

PROPOSAL: The Department of Environmental Quality (DEQ) is recommending excavation of contaminated sediments as a final remedy and is proposing to enter into a Consent Judgment for a Prospective Purchaser Agreement (PPA) with the Port of Toledo for the Fred Wahl Shipyard property located at 621 and 1000 Altree Lane, Toledo, Oregon (the "Property") which includes tax lots 400, 500, 601, and 1500.

HIGHLIGHTS: The Port of Toledo (Port) is acquiring the Property to allow the Port to redevelop the Property to provide additional Port dock space for shipyard activities and other marine industry uses. Historical shipyard operations have caused sediment and upland soil to be contaminated. Several contaminants are above screening values and thus, cleanup is warranted. Before the Port purchases the property, the Port will enter into a PPA with DEQ. The PPA will set out the cleanup remedy to be performed by the Port after it acquires the property and will provide certain limits and protections for future environmental liability.

The site was used for various timber industry uses from the 1950s to the 1980s. Shipyard operations began at the property in 1996 with Sturgeon Bend Boat Works. In 1999 the property was acquired by Fred Wahl, the current owner of the property.

Shipyard operations included pressure washing to remove loose paint and marine growth; paint removal by sand blasting; preparation for subsequent marine paint applications; and vessel refueling. Ship paint and sandblast grit have elevated levels of copper, and the organotin (tributyltin [TBT]) as well as other heavy metals. Historical sandblast operations generally had limited to no containment of sandblast wastes and thus sediment at shipyards is often contaminated with those wastes and also petroleum from other shipyard operations.

Site investigations conducted in August 2009 and in February 2010, showed elevated concentrations of copper and TBT in sediment near the service pier, dry dock, and travel lift. Concentrations of copper

and TBT were above sediment screening values for ecological receptors. Dioxin concentrations in sediment were at upstream levels (i.e., Depoe Slough) and not related to site activities.

Upland soil samples were collected for various site contaminants previously in an August, 2009 investigation. Several upland soil samples had concentrations of the petroleum constituents, polynuclear aromatic hydrocarbons (PAHs) above residential and urban residential screening values.

The northern and southern extent of the copper and TBT was not fully delineated; additional sampling may be necessary to fully delineate the southern and northern extent of contaminated sediments. Because of the interest in acquiring the property, the funding mechanism, and project schedules, the Port may proceed to excavate contaminated sediment as a final remedy without completing a full delineation. A follow-up residual risk assessment will be conducted utilizing confirmation samples after the sediment removal is completed to ensure the remedy is protective and complete.

DEQ prepared a staff report recommending excavation as the final remedy as well as preliminary risk assessment results which guide the cleanup. The report is available online at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under ECSI site number 3536.

The Consent Judgment will require the Port to remove contaminated sediment; as well as implement institutional controls on the Property precluding residential use of the site. The Port will agree to provide access to the Property for any additional investigation and removal or remedial actions that may be required, and to implement any institutional or engineering controls that may be necessary. In addition, the Port will be required to follow DEQ's Best Management Practices (BMPS) established for Oregon Shipyards in 2000.

DEQ's Prospective Purchaser Program was created in 1995 through amendments to the state's Environmental Cleanup Law. The Prospective Purchaser Agreement is a tool that facilitates the cleanup of contaminated property and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing a property with existing contamination. DEQ has approved more than 100 Prospective Purchaser Agreements throughout the State since the program began.

The proposed Consent Judgment will provide the Port with a release from liability for claims by the State of Oregon under ORS §465.255 relating to any historical releases of hazardous substances at or from the Property. The proposed Consent Judgment will also provide the Port with protection from potential contribution actions by third parties for recovery of remedial action costs associated with any historical releases at or from the Property. DEQ retains all existing rights it may have as to all other parties potentially liable for any releases. The Consent Judgment is available online at <http://www.deq.state.or.us/lq/ecsi/ecsi.htm> under ECSI site number 3536.

HOW TO COMMENT: Written comments concerning the Staff Report and recommended remedial action should be sent to Bryn Thoms at DEQ's Eugene Office at 165 West 7th Ave, Eugene, OR 97401 or by email at thoms.bryn@deq.state.or.us. Written comments concerning the proposed Consent Judgment should be sent to Charlie Landman at DEQ Headquarters, 811 SW 6th Avenue, Portland, Oregon 97204. Comments must be received by DEQ by 5:00 pm October 1, 2010. Questions regarding the Staff Report and recommended remedial action may be directed to Mr. Thoms by calling (541) 687-7424 or by email. Questions regarding the Consent Judgment may be directed to Mr. Landman by calling (503) 229-6461.

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

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

REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP FOR MACADAM LANDING

COMMENTS DUE: September 30, 2010

PROJECT LOCATION: 6633-6639 SW Macadam Avenue, Portland, OR 97239

OTHER NOTICES

PROPOSAL: The Department of Environmental Quality is proposing to issue a "Conditional No Further Action" (NFA) determination based on results of site investigation and removal activities performed at the Macadam Landing site located at 6633-6639 SW Macadam Landing in Portland, Oregon. DEQ has determined that no further action is required because the site no longer poses a risk that exceeds the acceptable risk level defined in ORS 465.315.

HIGHLIGHTS: The Department has reviewed site assessment and removal activities performed at the site. The site is located at 6633-6639 SW Macadam Landing in Portland, Oregon. The site has predominantly been used as a commercial property since 1954. Site assessment activities were conducted in 2008 after surface and subsurface petroleum impacted soils were observed during redevelopment activities. A risk based evaluation according to DEQ's "Risk Based Decision Making for Remediation of Petroleum-Contaminated Sites" guidance was performed. Residual contamination remains in surface and subsurface soils below applicable risk based concentrations. Based on the evaluation, the site is proposed for a risk-based closure and issuance of a Conditional NFA determination dependent on future site use. The proposed Conditional NFA is documented in the administrative record available at the Northwest Region-Eastside office in Gresham and presented on the Department's Environmental Cleanup Site Information (ECSI) database.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Northwest Regional- Eastside Office at 1550 NW Eastman Parkway, Suite 290, Gresham, Oregon 97030. To access site summary information and the "Independent Cleanup Pathway Final Report, Macadam Landing Property" in DEQ's ECSI database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 5327 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 5327 in the Site ID/Info column. To be considered, written comments must be received by 4:30 PM on September 30, 2010 and sent to Rebecca Wells-Albers, Project Manager, at the address listed above. Upon written request by ten or more persons or by a group with a membership of 10 or more, a public meeting will be held to receive verbal comments.

THE NEXT STEP: DEQ will consider all public comments received by the close of the comment period before making a final decision regarding the "Conditional No Further Action" determination. A public notice announcing the final decision will be published in this publication.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us.

People with hearing impairments may call DEQ's TTY number, 1-800-735-2900.

NOTICE OF PROPOSED NO FURTHER ACTION AT THE FORMER MURPHY PLYWOOD FACILITY PORTLAND, OREGON

PROJECT LOCATION: 3105 SE Harrison Street, Milwaukie, Oregon

PROPOSED ACTION: The Oregon Department of Environmental Quality (DEQ) is proposing No Further Action (NFA) regarding investigation and remedial action at the Former Murphy Plywood Facility. Based on review of contaminant investigation and cleanup actions at the property, DEQ has determined that the extent and nature of contamination has been sufficiently delineated, and that remaining soil contamination at the Site does not pose a current or likely future threat to human health and the environment. Notice of the proposed DEQ decision, and a 30-day period for public comment, are being performed as required under ORS 465.320.

HIGHLIGHTS: The Former Murphy Plywood Facility is an approximate 7 acre property, located in an area of mixed commercial and residential development at 3105 SE Harrison Street in Mil-

waukie, Oregon. The property is comprised of 14 contiguous tax lots; nine of the tax lots were the location of a plywood manufacturing operation from 1950 to 1990, and included property that housed gasoline and diesel underground storage tanks (USTs). The remaining five tax lots were used for residential and retail occupancy.

The Murphy Company, owners of the property, entered into an Independent Cleanup Pathway (ICP) Agreement with DEQ in November 2001 to receive consultation regarding contaminant investigation and cleanup. Releases at the property were primarily from petroleum chemicals used for the plywood manufacturing process, on-site transportation equipment, and for maintenance and repair of plywood manufacturing equipment and machinery. Plywood manufacturing operations ceased in the late 1980's and all manufacturing equipment was removed. All USTs have been removed, and have received NFA determinations by DEQ's Northwest Region UST Program.

In 2007, after considerable site work was completed to investigate and remove soil contamination at the property, a Summary Investigation/Remediation Report describing site investigation and cleanup activities was submitted to DEQ with a recommendation for no further action. Site cleanup included the removal and disposal of 56,377 tons of petroleum hydrocarbon- contaminated soils at the Hillsboro Subtitle D Landfill. DEQ required that the report be revised to include additional information regarding site investigation and remedial action, and required a Beneficial Water Use Determination and Level I Ecological Risk Assessment be conducted to address any potential impacts to groundwater, surface water and ecologically sensitive species. Based on provided information, remaining soil contamination is below DEQ risk-based screening values for occupational/industrial use, and groundwater has not been significantly impacted. A NFA is therefore proposed for the site.

INFORMATION: The project file may be reviewed by appointment at DEQ's Northwest Region office at 2020 SW Fourth Avenue, Suite #400, Portland, OR 97201. To schedule an appointment to review the file or to ask questions, please contact Dawn Weinberger at (503) 229-6729. Summary information and a copy of DEQ Memorandum proposing No Further Action with supporting attachments are available in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 280 in the Site ID box and click "Submit" at the bottom of the page. The DEQ project manager for the site is Scott Manzano, Project Manager, 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201 (503-229-6748).

A CHANCE TO COMMENT ON PROPOSED CONSENT JUDGMENT FOR A PROSPECTIVE PURCHASER AGREEMENT FOR TRIMET'S ACQUISITION OF PROPERTY FOR A LIGHT RAIL BRIDGE ACROSS THE WILLAMETTE RIVER, INCLUDING AMENDMENTS TO RECORDS OF DECISION AND CONSENT JUDGMENTS FOR THE OHSU MOODY AVENUE SITE, UNIT C AND THE ZIDELL WATERFRONT PROPERTY SITE, MULTNOMAH COUNTY, OREGON

COMMENTS DUE: October 1, 2010.

PROJECT LOCATION: The affected properties are located along the Willamette River between the Marquam Bridge and the Ross Island Bridge and include portions of the Willamette River.

PROPOSAL: The Department of Environmental Quality (DEQ) is proposing to enter into a Consent Judgment for a Prospective Purchase Agreement with Tri-County Metropolitan Transportation District of Oregon (TriMet) in connection with property interests TriMet will acquire for the construction of a transit station and a light rail bridge over the Willamette River.

HIGHLIGHTS: TriMet is undertaking the construction of a public light rail line connecting Portland and Milwaukie, Oregon. The project will include a bridge over the Willamette River for light rail, streetcar, pedestrian, and bicycle travel. For the project, TriMet will acquire a portion of the Zidell Waterfront Property Site (ECSI No.

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689) (the ZRZ Site) from ZRZ Realty Company, and a portion of the OHSU Moody Avenue Site (ECSI No. 875) (the OHSU Site) for a transit station and bridge ramp on the west side of the Willamette River. It also will acquire temporary construction easements from OHSU and ZRZ over portions of those sites for use during the construction of the bridge, permanent easements for maintenance of a retaining wall to support the transit station, and a permanent aerial easement from ZRZ over a portion of the ZRZ Site along the bank of the Willamette River where the bridge will be overhead. TriMet is negotiating with the Oregon Department of State Lands (DSL) to obtain easements to build and operate the bridge in and over the Willamette River.

Hazardous substances have been released at the OHSU Site, the ZRZ Site, and the Willamette River. On October 1, 1993, DEQ issued a record of decision selecting the remedial action for Unit C of the OHSU Site. On April 13, 1995, DEQ issued a record of decision selecting the remedial action for Unit A of the OHSU Site. DEQ has entered consent decrees with Schnitzer Investment Corp. (SIC) (the prior owner of the OHSU Site) for implementation of the remedies for both Units A and C, and OHSU has been performing that work since acquiring the OHSU Site from SIC in 2004. On June 30, 2005, DEQ issued a record of decision selecting the remedial action for the ZRZ Site. DEQ has entered into a consent judgment with ZRZ for implementation of the remedy for the ZRZ Site, and ZRZ has been performing that work.

The Prospective Purchaser Agreement will allow TriMet to acquire property and easements for the project without assuming liability for existing contamination at those properties. The Prospective Purchaser Agreement will require TriMet to construct, monitor, and maintain the selected remedies on the portions of the OHSU Site and ZRZ Site for which TriMet will acquire a fee interest, to the extent those remedies have not already been fully implemented. The Prospective Purchaser Agreement will require TriMet to comply with soil management requirements and cap monitoring and maintenance requirements in the areas where it will have a temporary construction easement. The Prospective Purchaser Agreement also will require TriMet to comply with various requirements intended to prevent releases of hazardous substances in river sediment as it constructs the bridge, and with respect to the bridge design and long-term operation and maintenance. These requirements will be set forth in a permit to be issued by the US Army Corps of Engineers and the Oregon Department of State Lands and a 401 certification. The public will have a separate opportunity to review and comment on those when they are eventually proposed.

DEQ's Prospective Purchaser Program was created in 1995 through amendments to the state's Environmental Cleanup Law. The Prospective Purchaser Agreement is a tool that facilitates the beneficial reuse of contaminated property and its cleanup, and encourages property transactions that would otherwise not likely occur because of the liabilities associated with purchasing contaminated property. DEQ has approved many Prospective Purchaser Agreements throughout the State since the program began.

The proposed Consent Judgment will provide TriMet with a release from liability for claims by the State of Oregon under ORS Chapter 465 relating to historical releases of hazardous substances at or from the OHSU Site, and the ZRZ Site or that may have otherwise come to be located in the proposed easement areas of the Willamette River. The proposed Consent Judgment will also provide TriMet with a covenant not to sue and release of potential natural resource damage liability and protection from potential contribution actions by third parties relating to the releases at or from these sites. DEQ retains all existing rights it may have as to all other parties potentially liable for the releases.

The project alignment will straddle the current property line between the OHSU Site and the ZRZ Site, resulting in a small triangular portion of the ZRZ Site being isolated on the north side of the transit station and a small triangular part of the OHSU Site being isolated on the south side of the transit station. OHSU and ZRZ will exchange these triangular parcels (referred to as the orphan parcels). DEQ proposes to amend the OHSU Site, Unit C and ZRZ Site records of decision to incorporate the ZRZ orphan parcel into

the OHSU Site, Unit C record of decision, and the OHSU orphan parcel into the ZRZ Site record of decision. The remedies for the two orphan parcels are very similar, and DEQ believes the remedies can be more effectively and reliably implemented with this change. DEQ also proposes to amend its consent judgment with ZRZ and its consent decree with SIC to incorporate these changes to the records of decision for the ZRZ Site and OHSU Site, Unit C.

ADDITIONAL INFORMATION: Copies of the proposed Consent Judgment and amendments to the SIC consent decree and the ZRZ consent judgment may be viewed at <http://www.deq.state.or.us/lq/cu/nwr/zidell/index.htm>

These documents include drawings that show the location of the project and the affected properties.

HOW TO COMMENT: Written comments concerning the proposed Consent Judgment should be sent to Scott Manzano at DEQ NW Region, 2020 SW 4th Avenue, Suite 400, Portland, Oregon 97201-4987 or at scott.manzano@state.or.us. Comments must be received by DEQ by 5:00 pm October 1, 2010. Questions may be directed to Mr. Manzano at that address or by calling (503) 229-5263. The proposed Consent Judgment and DEQ file on the OHSU Site and ZRZ Site may be reviewed at DEQ's Northwest Region office in Portland by contacting Mr. Manzano at the address above.

DEQ also will be holding a public meeting on this proposal on September 15 at 6:00 p.m. at DEQ Headquarters, 811 SW Sixth Avenue in Portland. At the public meeting, DEQ will present information about this proposal.

THE NEXT STEP: DEQ will consider all public comments. DEQ will make a final decision concerning the proposed actions after consideration of public comments.

REQUEST FOR COMMENTS PROPOSED APPROVAL OF CLEANUP AT FORMER HAP TAYLOR AND SONS OFFICE

COMMENTS DUE: 5 p.m. on October 1, 2010

PROJECT LOCATION: 62975 Boyd Acres Road, Bend, Oregon
PROPOSAL: The Oregon Department of Environmental Quality proposes to approve a cleanup of petroleum in soil at the Former Hap Taylor and Sons Office. DEQ has determined that the site meets state requirements to protect human health and the environment and that no further action is needed at the site.

HIGHLIGHTS: The Site was originally developed in 1993 by Hap Taylor and Sons and used as the corporate headquarters. Operations on the site included heavy and small equipment repair and maintenance, including vehicle repair and washing. Site investigation and remediation activities conducted in 2007 included decommissioning and replacing dry wells, removing soil underlying the waste oil drain station, soil removal in-between two storage buildings, and soil removal on the southern property boundary. Constituents of concern include total heavy oil range petroleum hydrocarbons. The City of Bend currently owns the site.

HOW TO COMMENT: The project file may be reviewed by appointment at DEQ's Bend Office, 475 NE Bellevue Drive, Suite 110, Bend, Oregon 97701. To schedule an appointment to review the file or ask questions, please contact Marcy Kirk at 541-633-2009. To access site summary information and the staff report in DEQ's Environmental Cleanup Site Information (ECSI) database on the Internet, go to <http://www.deq.state.or.us/lq/ECSI/ecsiquery.asp>, then enter 4855 in the Site ID box and click "Submit" at the bottom of the page. Next, click the link labeled 4855 in the Site ID/Info column. Send written comments by 5 p.m., October 1, 2010 to Marcy Kirk, Project Manager at the above address or to kirk.marcy@deq.state.or.us.

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

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications and Outreach (503)

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229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us.

People with hearing impairments may call the Oregon Telecommunications Relay Service at 1-800-735-2900. Give the phone number (541-633-2009).

REQUEST FOR COMMENTS PROPOSED CLEANUP ACTIONS FOR THE PORT OF NEWPORT'S INTERNATIONAL TERMINAL

COMMENTS DUE: 5 pm, October 1, 2010

PROJECT LOCATION: Terminal Facilities near Dock Road, Newport, OR

PROPOSAL: The Oregon Department of Environmental Quality (DEQ) requests public comment on the proposed cleanup actions for the Port of Newport's International Terminal. The proposed cleanup consists of removing and stabilizing two deteriorating World War II ships that comprise the terminal facilities near Dock Road in Newport, Oregon (ECSI No. 1827). The two ships, the Pasley and Hennebique, were scuttled and incorporated into the dock terminal. The Port has secured funding to replace the terminal facilities and as part of that process the Pasley will be cleaned and removed, and the Hennebique will be cleaned and filled with clean fill. Also, contaminated sediments outside the ships will be dredged and disposed of on-site.

HIGHLIGHTS: The terminal site was developed by a private company in 1948 by scuttling the Pasley and Hennebique which are two former U.S. Navy 1940s concrete ships. The terminal consists of a deepwater front, docks, and storage facilities. The Port took ownership in 1982 and uses the facility for cargo and fishing operations. In 2001 operations ceased at the terminal because of declining structural integrity of the Pasley. It continues to twist, crack, and list towards the bay. There was a release of about 100 gallons of oil from the Pasley into the Yaquina Bay in 1996.

It is unknown what contaminants were left on the ships when they were scuttled. With funding from the U.S. Environmental Protection Agency (EPA), the Port's consultants conducted several investigations in December 2006/January 2007 and April 2008. Samples were collected from compartments in both ships including water, oil residue, fill material (sediment), lead paint, and asbestos. Oil, metals, asbestos, and polynuclear aromatic compounds (PAHs) which are associated with petroleum were detected in some of the samples. In 2007 around 8,000 gallons of oily water, discovered during and subsequent to site investigations, was removed from the Pasley.

Cleanup of the hazardous substances on the ships will occur in several stages. Initially, the blast holes in the Pasley and Hennebique, generated during scuttling, will be sealed from the bay. In addition, a sheet pile coffer dam will be constructed around the Pasley as secondary containment for potential releases during cleaning and deconstruction activities. The contractor will remove and treat oily water, remove contaminated sediments, and clean oily compartment walls in both ships. The next stage will consist of removing the Pasley and filling the Hennebique in place. Concrete from the Pasley, if it passes project-specific clean criteria, may be used as fill inside the Hennebique, otherwise contaminated concrete, sediments, and associated contaminated materials will be handled in several ways including off-site disposal or managed on-site. Contaminated petroleum water associated with the cleanup activities will be treated on-site and discharged to the bay under a site-specific National Pollutant Discharge Elimination Systems (NPDES) permit.

Several documents have been prepared to detail the proposed work and to satisfy Oregon Cleanup Law and EPA Cleanup criteria. In general, proposal of a final remedy for the site requires a comparative analysis of cleanup alternatives based on five factors (i.e., effectiveness, reliability, implementability, implementation risk, and cost). The following reports present the basis for the proposed work as well as the proposed cleanup actions.

- *Site Investigation of the S.S. C.W. Pasley, April 2007*
- *Former S.S. Hennebique Phase II Environmental Site Assessment, June 2008*
- *Ecological Risk Screening Evaluation, November 2008*

- *Analysis of Brownfields Cleanup Alternatives (ABCA) – Phase I Remedial Action Activities, April 2009*
- *Draft Remedial Action Work Plan, S.S. C.W. Pasley and S.S. Hennebique, May 2010*
- *ABCA Amendment, July 2010*

DEQ will be providing oversight during cleanup activities. In addition, several DEQ permits will be needed to conduct the work, including permits for disposal of contaminated sediment, and treating and disposing of contaminated water. DEQ is providing a chance to comment on the proposed cleanup work. DEQ will hold separate public comment periods when DEQ receives permit applications from the Port for the cleanup and demolition work.

HOW TO COMMENT: The reports presented above are available for review, electronically, by contacting the DEQ project manager, Bryn Thoms, at 541-687-7424 or by email at thoms.bryn@deq.state.or.us, or the DEQ project coordinator, Mary Camarata, at 541-687-7435 or by email at camarata.mary@deq.state.or.us. Also, the reports can be viewed in person at the Port of Newport office located at 600 SE Bay Blvd, Newport.

Comments on the proposed determination need to be received at the DEQ Eugene office, attn: Bryn Thoms or Mary Camarata, by 5 pm on October 1, 2010. Fax or email comments are acceptable.

THE NEXT STEP: Upon completion of the comment period, comments received will be addressed by DEQ. Once the comments have been adequately addressed, the DEQ may approve, modify, or deny the cleanup actions for the terminal site.

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

People with hearing impairments may call DEQ's TTY number, 800-735-2900.

PROPOSED SOIL CLEANUP AT FAIRVIEW TRAINING CENTER

COMMENTS DUE: 5 pm, September 30, 2010

PROJECT LOCATION: Tax Lots 300 and 400 in Section 11 of Township 8 South, Range 3 West, Salem, Oregon

HIGHLIGHTS: The Fairview Training Center is located in south-east Salem. The property was used as an institution for the mentally disabled from 1907 until 2001. Orchards were located in the southern portion of the property. Environmental assessments conducted on the property found that the surface soils to one foot in depth in the orchard areas are contaminated with low-levels of chlorinated pesticides (DDE, DDT and Dieldrin) and arsenic. Cleanup alternatives were evaluated to develop a recommended cleanup action, which was excavation of contaminated soil.

In 2009, approximately 95,000 cubic yards of pesticide-contaminated soil were excavated and placed in a permanent storage cell in the southeast corner of the site. The storage cell was then covered with a soil cap. The 3-acre storage cell was designed with curtain drains and perimeter ditches to hydraulically isolate the cell from the surrounding area. A deed restriction or Easement and Equitable Servitude (E&ES) will be placed on the parcel that contains the storage cell to prevent any future activities or uses from occurring that could compromise the integrity of the cap.

After excavation, the surface soils at the Fairview Training Center are clean and do not pose a risk to future residents.

PROPOSAL: DEQ proposes that no further action is necessary at the site to protect people and the environment, aside from applying a deed restriction to the property and maintaining the cap. OAR 340-120-0078 requires a 30-day public comment period for a proposed final cleanup action before the action can be approved by DEQ.

HOW TO COMMENT: A Staff Report presenting details about the site and the proposed cleanup action was prepared by DEQ, which supports the decision to approve the cleanup action. The staff report is available for review, electronically, by contacting the DEQ proj-

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ect manager, Geoff Brown at 541-686-7819 or at brown.geoff@deq.state.or.us, or the report can be viewed in person at the DEQ Eugene office or at the DEQ Salem office by appointment. The Eugene office is located at 165 E 7th Ave, Eugene, Oregon 97401 and the Salem office is located at 750 Front Street NE, Suite 120, Salem, OR 97301, phone no. 800-349-7677.

Comments on the proposed cleanup need to be received by the Eugene Office, attn: Geoff Brown, by 5 pm on September 30, 2010. Fax or email comments are acceptable.

THE NEXT STEP: Upon completion of the comment period, the comments will be addressed. Once the comments have been adequately addressed, the DEQ may approve, modify, or deny the proposed cleanup action.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us.

People with hearing impairments may call DEQ's TTY number, 541-687-5603.

REMEDY SELECTED FOR CLEANUP OF FORMER DIP TANKS AT THE RIVER ROAD RESERVE, GRANTS PASS

COMMENTS DUE: 5 p.m., September 30th, 2010

PROJECT LOCATION: 3658 Upper River Road Reserve, Grants Pass, Oregon

BACKGROUND: The City of Grants Pass applied for federal funding through the American Reinvestment and Recovery Act (ARRA) to conduct cleanup of a former hop pole dip tank area at the River Road Reserve site located at 3658 Upper River Road, Grants Pass.

The former dip tank area is contaminated from historical releases of pentachlorophenol and related compounds along with diesel fuel oil. The City of Grants Pass has conducted investigation and cleanup of these contaminants since the City took ownership of the site in 2006. Cleanup of the former dip tank area will be conducted using ARRA funds supplied through Oregon Business Development Department (OBDD).

SELECTED REMEDY: The City proposed removing the contaminated soil and disposing of it in an offsite landfill which would limit potential future human and ecological interaction. The proposed remedies were presented to the public during the month of June 2010. Comments from one person were received, and those comments have been addressed. Based on an evaluation of the various remedial alternatives, DEQ selected the most protective remedy with consideration of the cost effectiveness, reliability, and implementability of the proposed alternatives. Grants Pass plans to complete the remedial action this fall, which will facilitate additional development of recreational areas and support the economy of Grants Pass.

ADDITIONAL INFORMATION: A report titled "Analysis of Brownfield Cleanup Alternatives (ABCA) for Impacted Soil", prepared for The City of Grants Pass details the need for cleanup and supports the selected remedial actions. The report may be reviewed by contacting the DEQ project manager, Norm Read, at 541-687-7348 or at read.norm@deq.state.or.us. The report can be viewed in person at the DEQ Eugene office by appointment. The Eugene office address and contact information is presented to the right.

ACCESSIBILITY INFORMATION: DEQ is committed to accommodating people with disabilities. Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ Communications & Outreach (503) 229-5696 or toll free in Oregon at (800) 452-4011; fax to 503-229-6762; or e-mail to deqinfo@deq.state.or.us.

People with hearing impairments may call Oregon Telecommunications Relay Service 1 800-735-2900.

NOTICES OF PROPOSED RULEMAKING

Notices of Proposed Rulemaking and Proposed Rulemaking Hearings

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

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

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

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

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

Board of Licensed Social Workers Chapter 877

Rule Caption: Proposed Rule to establish and raise fees effective 1/1/2011, to implement SB 177 (2009).

Date:	Time:	Location:
9-21-10	8 a.m.	3218 Pringle Rd SE 2nd Flr. Conference Rm. Salem, OR

Hearing Officer: Rebecca Rasmussen, Board Chair

Stat. Auth.: ORS 675.510-675.600 (675.532 & 675.533 effective 1-1-11)

Other Auth.: SB 177 (2009)

Stats. Implemented: ORS 675.571, 675.532 & 675.533

Proposed Adoptions: 877-001-0020

Last Date for Comment: 9-21-10, 10 a.m.

Summary: Establishes fees to implement Senate Bill 177 (2009) provisions that become law on January 1, 2011, including fees for application, initial certification and renewal for Registered Bachelors of Social Work — RBSW, and Licensed Masters of Social Work — LMSW. Clarifies which LCSWs will pay one-year fee for renewal in 2011 (no fee increase), and which LCSWs will renew in 2011 on a 2-year basis (fee is not raised, 2-year fee is proportionally based on the existing one-year renewal fee), as the Board begins to convert LCSW licensure from a one-year basis to a two-year basis in 2011. The proposed rules substantially increases the late fee for LCSW licensure renewals to deter late renewals and help licensees avoid the serious consequences of licensure lapse when mandatory licensure for clinical social work takes effect on January 1, 2011.

Rules Coordinator: Martin Pittioni

Address: Board of Licensed Social Workers, 3218 Pringle Rd. SE, Suite 240, Salem, OR 97302

Telephone: (503) 373-1163

Board of Pharmacy Chapter 855

Rule Caption: Amend rules for administration of vaccines by pharmacists.

Stat. Auth.: ORS 689.205

Stats. Implemented: ORS 689.151, 689.155 & 689.645

Proposed Amendments: 855-019-0270, 855-019-0280, 855-019-0290

Last Date for Comment: 9-21-10, 4:30 p.m.

Summary: These amendments implement legislation passed in 2009 (Ch 250, OL 2009) and permit a qualified pharmacist to administer a vaccine to a person who is at least 11 years of age. Amendments also change the reporting requirements in accordance with protocols written and approved by the Oregon Health Authority.

Copies of the full text of proposed rules can be obtained from the Board's web site, www.pharmacy.state.or.us, or by calling the Board office (971) 673-0001.

Rules Coordinator: Karen MacLean

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

Telephone: (971) 673-0001

Bureau of Labor and Industries Chapter 839

Rule Caption: Updates reference to current version of federal child labor law; deletes outdated reference.

Stat. Auth.: ORS 653.525

Stats. Implemented: ORS 653.305-653.545

Proposed Amendments: 839-021-0104, 839-021-0335

Last Date for Comment: 9-21-10

Summary: The Wage and Hour Commission has adopted the federal child labor hazardous occupation orders prohibiting the employment of minors under 18 years of age in certain occupations. These federal regulations were amended effective July 19, 2010. The proposed rule amendments conform the state child labor law to the federal regulation amendments. In addition, the proposed rule amendments delete an obsolete statutory reference in OAR 839-021-0355 pertaining to prohibited performances by minors.

Rules Coordinator: Marcia Ohlemiller

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

Telephone: (971) 673-0784

Department of Agriculture Chapter 603

Rule Caption: Clarifies species eligible for import and commercial propagation; adds a review committee for Director's Exemptions.

Date:	Time:	Location:
9-20-10	3 p.m.	Department of Agriculture 309 NE 3rd Ave. Ontario, OR 97914-0459

Hearing Officer: Paul Bloom

Stat. Auth.: ORS 561 & 570

Stats. Implemented: ORS 561.190 & 561.510-561.600, 570.305, 570.405 & 570.410-570.415

Proposed Amendments: 603-052-0347

Last Date for Comment: 9-24-10, 5 p.m.

Summary: The proposed amendments do the following:

(1) Clarify that only onion bulbs, sets, or seedlings are eligible for import from Maricopa County, AZ;

(2) Clarify that garlic may only be grown for personal use within the control area;

(3) Establish an industry-based committee to assist in the review of and provide input to the Director about applications for Director's Exemptions.

Rules Coordinator: Sue Gooch

NOTICES OF PROPOSED RULEMAKING

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

.....
**Department of Consumer and Business Services,
Director's Office
Chapter 440**

Rule Caption: 2011 Workers' Compensation Premium Assessment Rates.

Date:	Time:	Location:
9-21-10	2 p.m.*	Labor & Industries Bldg. 350 Winter St. NE Conference Rm. 260 Salem, OR

Hearing Officer: Fred Bruyns

Stat. Auth.: ORS 705.135, 656.726 & 656.612

Stats. Implemented: ORS 656.612 & 656.614

Proposed Amendments: 440-045-0020, 440-045-0025

Last Date for Comment: 9-21-10, 11:59 p.m.

Summary: *NOTE: The hearing will begin at 2:00 p.m. and end no later than 5:00 p.m. or when all present who wish to testify have done so.

The director adopts by rule the workers' compensation premium assessment rate that is paid by all employers based on their workers' compensation premium and is collected by the insurer at the time the employer pays the premium. This assessment is used to fund workers' compensation related programs and workplace safety and health programs that serve Oregon employers and workers. In addition, the rule adopts the rate for an additional assessment percentage amount that is collected from all self-insured employers as well as all self-insured employer groups to fund the Self-Insured Employers Adjustment Reserve and the Self-Insured Employer Group Adjustment Reserve. These reserves are established to assure benefits are available in the event of a financial failure of a self-insured employer or self-insured employer group. This rulemaking will adopt the assessment percentage that will be in effect from January 1, 2011 to December 31, 2011. Before recommending the 2011 premium assessment rate, the department must analyze financial data that is not available until late July 2010, review the data, and authorize or disapprove a proposed workers' compensation pure premium insurance rate filing filed by the National Council on Compensation Insurance. We expect the recommendation for the 2011 premium assessment rate to be announced between September 8 and September 13, 2010.

Text of the proposed rule as well as the other rulemaking documents can be found at: <http://www.oregon.gov/DCBS/DIR/rules.shtml>

Address questions to: Win Lombardi, Rules Coordinator; phone 503-947-7866; fax 503-378-6444; or e-mail winifred.c.lombardi@state.or.us

Rules Coordinator: Win Lombardi

Address: Department of Consumer and Business Services, Director's Office, 350 Winter St. NE, PO Box 14480, Salem, OR 97309-0405

Telephone: (503) 947-7866

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

Rule Caption: Clarifies content of portability notice and clarifies that carriers may provide notice electronically.

Date:	Time:	Location:
9-28-10	1:30 p.m.*	350 Winter St. NE, Conference Rm. E (basement) Salem, OR

Hearing Officer: Jeannette Holman

Stat. Auth.: ORS 731.244, 743.760 & 743.761

Stats. Implemented: ORS 731.244, 743.760 & 743.761

Proposed Amendments: 836-053-0750

Last Date for Comment: 10-8-10

Summary: * NOTE: The hearing will begin at 1:30 p.m. and end when all present who wish to testify have done so.

ORS 743.731 states a legislative intent to make portability plans available who lose coverage in group health benefit plans. One way to encourage enrollment to provide clear notice to individuals of the availability of portability plans if group health insurance is discontinued. OAR 836-053-0750 sets out that notification requirement. This rulemaking clarifies language to the rule to make it clear that the carrier must provide the notice directly to the individual rather than through the individual's employer or plan administrator. The amendments to this rule also clarify that the carrier may provide the notice electronically so long as the notice conforms to the Uniform Electronic Transaction Act, ORS 84.001 to 84.061 and 84.070.

Rules Coordinator: Sue Munson

Address: Department of Consumer and Business Services, Insurance Division, 350 Winter St. NE, Salem, OR 97301-3883

Telephone: (503) 947-7272

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**Department of Consumer and Business Services,
Workers' Compensation Division
Chapter 436**

Rule Caption: Workers' compensation medical bill data reporting.

Stat. Auth.: ORS 656.726(4)

Stats. Implemented: ORS 656.252, 656.254 & 656.264

Proposed Amendments: 436-009-0030

Last Date for Comment: 9-21-10

Summary: The agency proposes to amend OAR chapter 436, division 009, "Oregon Medical Fee and Payment Rules," by removing medical bill data reporting procedures from rule 0030, "Insurer's Duties and Responsibilities." For the past two years, the agency provided two medical bill reporting formats, quarterly reporting (also known as Bulletin 220 reporting) and ANSI X12 837 reporting. These proposed rule changes are not substantive, and simply reflect the completion of the transition to the ANSI X12 837 medical bill reporting requirements described in OAR 436-160, to be effective Jan. 1, 2011.

Address questions to: Fred Bruyns, Rules Coordinator; phone 503-947-7717; fax 503-947-7514; e-mail fred.h.bruyns@state.or.us

Proposed rules are available on the Workers' Compensation Division's website: <http://wcd.oregon.gov/policy/rules/rules.html#proprules> or telephone 503-947-7717 or fax 503-947-7514.

Rules Coordinator: Fred Bruyns

Address: Department of Consumer and Business Services, Workers' Compensation Division, PO Box 14480, Salem, OR 97309

Telephone: (503) 947-7717

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**Department of Environmental Quality
Chapter 340**

Rule Caption: Amendments to Oregon Water Quality Standards for Arsenic, Iron and Manganese.

Date:	Time:	Location:
9-21-10	5:30-7 p.m.	DEQ 811 SW 6th Ave. Portland, OR
9-23-10	7 p.m.	The Blues Room St. Anthony's Hospital 1601 SE Court Ave. Pendleton, OR 97801

Hearing Officer: Jennifer Wigal; DEQ Staff

Stat. Auth.: ORS 468.020, 468B.010 & 468B.035

Stats. Implemented: ORS 468B.048

Proposed Amendments: 340-041-0033

Last Date for Comment: 9-30-10, 5 p.m.

Summary: DEQ and EPA use Oregon's water quality standards to implement Clean Water Act programs, which includes assessing Oregon's water quality and developing and enforcing wastewater

NOTICES OF PROPOSED RULEMAKING

discharge permits, Total Maximum Daily loads and water quality certifications. The proposed rule amends Oregon's water quality standards for toxic pollutants, Table 20, which is incorporated into rule by reference in OAR 340-041-0033(2). In addition the proposed rule amendment adds an arsenic reduction policy. Specifically, the proposed amendments to water quality standards for toxic pollutants make the following changes:

Iron – Withdraw the “water and fish ingestion” criterion, which is based on preventing taste and laundry staining effects rather than human health effects. Other criteria remain in effect to protect aquatic life from adverse effects.

Manganese – Withdraw the “water and fish ingestion” criterion, which is based on preventing taste, odor or laundry staining effects rather than human health effects.

Withdraw the “fish consumption only” criterion as it applies to fresh waters. This criterion remains in effect for marine waters where there may be health concerns associated with bioaccumulation of manganese oysters. Because bioaccumulation rates for manganese in freshwater species are low, freshwater concentrations of manganese are not a current human health concern in Oregon.

Arsenic – Revise the criteria for “water and fish ingestion” and “fish consumption only” using the U.S. Environmental Protection Agency's calculation method with Oregon-specific values. The proposed criteria, which are less stringent than existing criteria, protect human health and reflect the fact that many Oregon waters contain natural background levels of arsenic above the existing criteria. In addition, the proposed rule amendment adds a policy to reduce arsenic contributions from known and significant human activity.

For additional information regarding this rulemaking, please contact: Debra Sturdevant at the Department of Environmental Quality, call toll free in Oregon 800-452-4011 or 503-229-6691, or visit DEQ's public notices webpage <http://www.deq.state.or.us/news/publicnotices/PN.asp>

To comment on this rulemaking, submit your comments to: Debra Sturdevant, Oregon Department of Environmental Quality, 811 SW 6th Ave, Portland, Oregon, 97204, or by fax to 503-229-6037, or by email to waterqualitystandards@deq.state.or.us (*if you do not receive an auto response to your emailed comments, contact staff listed above*).

Rules Coordinator: Maggie Vandehey

Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390

Telephone: (503) 229-6878

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Rule Caption: Proposed Revisions to DEQ Regional Haze/BART rules for the PGE Boardman Power Plant.

Date:	Time:	Location:
9-21-10	6 p.m.	Metro Regional Ctr. Council Chambers 600 NE Grand Ave. Portland, OR
9-23-10	6 p.m.	Eugene State Office Bldg., Willamette Conference Rm. 165 East 7th Ave. Eugene, OR
9-28-10	6 p.m.	Hermiston Conference Ctr. 415 S. Hwy. 395 Hermiston, OR
9-29-10	6 p.m.	DEQ Medford Office, Conference Rm. 221 Stewart Ave., Suite 201 Medford, OR
9-30-10	6 p.m.	Columbia Gorge Community College, 400 E. Scenic Dr. Health Sciences Bldg., Bldg. 3, Room 3.203 The Dalles, OR

Hearing Officer: DEQ Staff

Stat. Auth.: ORS 468.020 & 468A.310

Stats. Implemented: ORS 468A.025

Proposed Adoptions: 340-223-0060, 340-223-0070, 340-223-0080, 340-223-0090

Proposed Amendments: 340-200-0040, 340-223-0010, 340-223-0020, 340-223-0030, 340-223-0040, 340-223-0050

Last Date for Comment: 10-1-10, 5 p.m.

Summary: This rulemaking will amend the Oregon Department of Environmental Quality's (DEQ) 2009 regional haze rules adopted for the PGE Boardman coal-fired power plant, as part of a regional haze plan to improve visibility and reduce air pollution in Oregon's Class I wilderness areas and national parks. On June 17, the Environmental Quality Commission voted to deny a petition submitted by Portland General Electric (PGE) to reduce the stringency of these rules, based on a proposal to close the plant by 2020, and directed DEQ to begin rulemaking and examine a wide range of pollution control options, consistent with an early shutdown of the plant.

DEQ is seeking public comment on three early closure options, which each establish regional haze pollution reduction requirements that meet federal Best Available Retrofit Technology (BART) requirements considering the early shutdown dates in each of the three options. If adopted, these options would be added to the current regional haze rules that apply to the Boardman plant. DEQ is proposing to adopt all three options and allow PGE to select the option that matches the closure date the owners select for the plant. To use one of the early closure options, PGE would have to notify DEQ of its intent to do so before July 1, 2014, the date when sulfur dioxide (SO2) limits would otherwise go into effect under the current regional haze rules that were adopted in 2009. If PGE selects none of these early closure options, the current regional haze rules adopted in 2009 would apply. Those rules would allow PGE to run the plant indefinitely and do not contain any closure deadline.

DEQ followed EPA guidance for determining BART for each option. DEQ is seeking comment on its evaluation of the BART criteria, including but not limited to:

- The technical feasibility of control options;
- The control effectiveness of each control options; and
- The cost effectiveness of each option.

Additionally, DEQ is seeking comment on its use of \$7,300/ton for reducing emissions as a cost effectiveness threshold. This selected threshold is based on the high end of the range used by other states, based on significant visibility impacts in 14 national parks and wilderness areas (Class I areas) in Oregon and Washington from the PGE Boardman plant.

The current rules. The 2009 regional haze rules adopted for the Boardman plant require a 46% reduction of nitrogen oxide (NOx) emissions in 2011, an 80 percent reduction of sulfur dioxide (SO2) emissions in 2014, and an additional 36 percent reduction of NOx emissions in 2017. The estimated cost of the required pollution controls is approximately \$498 million.

Option 1 - 2020 shutdown. This option would require the same NOx reduction in 2011, the same SO2 reduction in 2014, but not the additional NOx reduction in 2017. Under a 2020 shutdown, the additional pollution controls for NOx in 2017 would be replaced by less expensive additional NOx controls in 2014. This option has the same 2020 shutdown date as proposed by PGE, but unlike their petition, would still require an 80 percent reduction in SO2 by 2014. The estimated cost of these pollution controls is approximately \$320 million.

Option 2 - 2018 shutdown. This option would require the same NOx reduction in 2011, and a 40% reduction in SO2 emissions in 2014 by installing less expensive SO2 pollution controls. Like Option 1, the additional pollution controls for NOx in 2017 would be replaced by less expensive additional NOx controls in 2014. To meet federal BART requirements, this option establishes a shutdown date in 2018. The estimated cost of these pollution controls is approximately \$103 million.

Option 3 - 2015/2016 shutdown. This option would require the same NOx reduction in 2011, and no other pollution controls after this date. The shutdown date under this option is based on the requirement to install BART pollution controls within five years of

NOTICES OF PROPOSED RULEMAKING

federal approval of a state regional haze plan. Since Oregon's 2009 Regional Haze Plan is expected to be approved by late 2010 or early 2011, this option establishes a shutdown date in five years, or by 2015 or 2016. The estimated cost of these pollution controls is approximately \$36 million.

Note: All three options still require the Boardman plant to comply in 2012 with DEQ's current mercury regulations.

DEQ is also seeking comment on an alternative proposed by PGE that would be similar to Option 2, but would allow the plant to operate until 2020. For more information on PGE's proposal, see PGE's July 30, 2010 letter "PGE Comments on DEQ's Proposed Revisions to its Regional Haze Rules" at DEQ's PGE Boardman website or go to www.deq.state.or.us/aq/haze/shutdown.htm.

This proposed rulemaking includes amending parts of the 2009 Oregon Regional Haze Plan that pertain to the PGE Boardman plant, and then submitting all rule and plan changes to the Environmental Protection Agency as a revision to the Oregon State Implementation Plan under OAR 340-200-0040.

The proposed rulemaking is different from, or in addition to, applicable federal requirements because it is more specific than the federal requirements. Oregon is required by the federal Clean Air Act to establish BART regional haze pollution controls for the PGE Boardman plant, pursuant to rules and guidelines established by the United States Environmental Protection Agency (EPA). However, while Oregon follows EPA rules and guidelines in establishing BART, the determination of what controls satisfy BART is made by Oregon. Also, applicable federal requirements do not require Oregon to establish multiple options for BART based upon potential early closure dates that PGE may choose, but because PGE has requested early closure options, DEQ is proposing options that are different from and are in addition to the minimum federal requirement to establish BART for the remaining useful life of the facility. Additional information on the relationship of the proposed rules to applicable federal requirements may be found online at DEQ's PGE Boardman website under the Relationship to Federal Requirements document, or go to www.deq.state.or.us/aq/haze/shutdown.htm.

To request additional information regarding this rulemaking, please contact: Brian Finneran at the Department of Environmental Quality, call toll free in Oregon 800-452-4011 or local (503) 229-6278. You may also visit DEQ's at DEQ's PGE Boardman website at www.deq.state.or.us/aq/haze/shutdown.htm or see DEQ's proposed administrative rules webpage at www.deq.state.or.us/regulations/proposedrules.htm

To comment on this rulemaking, submit your comments to: Brian Finneran, Oregon Department of Environmental Quality, 811 SW Sixth Ave. Portland, Oregon 97204, or by fax to (503) 229-5675, or by email to NewBART4PGE@deq.state.or.us (if you do not receive an auto response to your emailed comments, contact staff listed above).

Rules Coordinator: Maggie Vandehey
Address: Department of Environmental Quality, 811 SW Sixth Ave., Portland, OR 97204-1390
Telephone: (503) 229-6878

Department of Fish and Wildlife Chapter 635

Rule Caption: Amend the Fish Hatchery Management Policy Spawning and Rearing Protocol to Minimize Surplus Eggs/Fish.

Date:	Time:	Location:
9-30-10 *	10 a.m.	Deschutes County Board of Commissioners 1300 NW Wall St., Suite 200 Bend, OR 97701-1960

Hearing Officer: Fish & Wildlife Commission
Stat. Auth.: ORS 496.012, 496.138 & 506.119
Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455
Proposed Adoptions: Rules in 635-007

Proposed Amendments: Rules in 635-007

Proposed Repeals: Rules in 635-007

Last Date for Comment: 9-30-10

Summary: **Note:* The Commission will proceed through its agenda in order, but reserves the right to continue or postpone item(s) until Friday, October 1, 2010.

Amend, adopt or repeal rules relating to Fish Hatchery Management Spawning and Rearing Protocol as necessary. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

Rule Caption: Establish 2011 seasons and Regulations for Game Mammals.

Date:	Time:	Location:
9-30-10 *	10 a.m.	1300 NW Wall St., Suite 200 Bend, OR 97701

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Proposed Amendments: Rules in 635-008, 635-010, 635-043, 635-045, 635-060, 635-065, 635-066, 635-067, 635-068, 635-069, 635-070, 635-071, 635-072, 635-073, 635-075, 635-080

Last Date for Comment: 9-30-10

Summary: **Note:* The Commission will proceed through its agenda in order, but reserves the right to continue or postpone item(s) until Friday, October 1, 2010.

Establish 2011 hunting regulations for game mammals, including season dates, open areas, location of cooperative travel management areas, wildlife areas, and other rules including general hunting and controlled hunt regulations. Specific travel changes may be made regarding certain types of electronic archery equipment.

The proposed rules would also make permanent two temporary rules: one concerning authority to use aircraft to take game mammals in emergency situations, and one concerning the authority of law enforcement officers to take wildlife as part of their official duties.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

Rule Caption: Adopt rule regarding the requirement of hunters to wear fluorescent orange exterior garment.

Date:	Time:	Location:
9-30-10 *	10 a.m.	1300 NW Wall St., Suite 200 Bend, OR 97701

Hearing Officer: Fish & Wildlife Commission

Stat. Auth.: ORS 496.012, 496.138 & 496.162

Stats. Implemented: ORS 496.012, 496.138 & 496.162

Proposed Amendments: Rules in 635-065

Last Date for Comment: 9-30-10

Summary: **Note:* The Commission will proceed through its agenda in order, but reserves the right to continue or postpone item(s) until Friday, October 1, 2010.

The rule would require hunters to wear an exterior garment of fluorescent orange.

Rules Coordinator: Therese Kucera

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

Telephone: (503) 947-6033

Rule Caption: Update the Oregon Wolf Conservation and Management Plan.

Date:	Time:	Location:
9-30-10 *	10 a.m.	1300 NW Wall St., Suite 200 Bend, OR 97701

NOTICES OF PROPOSED RULEMAKING

Hearing Officer: Fish & Wildlife Commission
Stat. Auth.: ORS 183, 496, 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 183, 496, 496.171–496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026
Proposed Amendments: Rules in 635-110
Last Date for Comment: 9-30-10

Summary: *Note: The Commission will proceed through its agenda in order, but reserves the right to continue or postpone item(s) until Friday, October 1, 2010.

Rules will be amended in regards to the Oregon Wolf Conservation and Management Plan. Revisions will be made both the Plan and associated administrative rules, Rules require the department to review the management plan every five years.

Rules Coordinator: Therese Kucera
Address: Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
Telephone: (503) 947-6033

Department of Human Services, Children, Adults and Families Division: Child Welfare Programs Chapter 413

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
9-22-10	8:30 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 109.119, 419A.004 & 419B.192

Proposed Repeals: 413-070-0067

Last Date for Comment: 9-22-10, 5 p.m.

Summary: OAR 413-070-0067 about the Department utilizing foster care placements as a temporary resource for children in the Department's care and custody is being repealed as the rule's relevant provisions have been moved to OAR 413-120-0520 and its other provisions more need not appear in administrative rules or no longer accurately reflect Department terminology, policy, or practice. This rule also is being repealed to make permanent the temporary suspension of this rule that was effective July 1, 2010.

Written comments may be submitted until September 22, 2010 at 5:00 p.m. Written comments may be submitted via e-mail to Annette.Tesch@state.or.us, faxed to 503-373-7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E-48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

A copy of the draft rules can be accessed at the child welfare policy website: <http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm>

To request a hardcopy, please contact the Rules Coordinator.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

Telephone: (503) 945-6067

Rule Caption: Changing OARs affecting Child Welfare programs.

Date:	Time:	Location:
9-22-10	9 a.m.	500 Summer St. NE, Rm. 255 Salem, OR

Hearing Officer: Annette Tesch

Stat. Auth.: ORS 409.010, 409.050, 412.084, 412.144, 418.005, 418.330–418.340, 418.625, 419B.175, 419B.180, 419B.185 & 419B.340

Other Auth.: Fostering Connections to Success and Increasing Adoptions Act of 2008 (122 Stat. 3949-3981)

Stats. Implemented: ORS 409.010, 409.050, 412.084, 412.144, 418.005, 418.330–418.340, 418.625, 419B.175, 419B.180, 419B.185 & 419B.340

Proposed Amendments: 413-100-0000, 413-100-0010, 413-100-0020, 413-100-0030, 413-100-0060, 413-100-0070, 413-100-0080, 413-100-0110, 413-100-0120, 413-100-0130, 413-100-0160, 413-100-0180, 413-100-0190, 413-100-0200, 413-100-0210, 413-100-0220, 413-100-0230, 413-100-0240, 413-100-0250, 413-100-0260, 413-100-0270, 413-100-0280, 413-100-0300, 413-100-0310, 413-100-0320, 413-100-0335, 413-100-0345

Last Date for Comment: 9-24-10, 5 p.m.

Summary: OAR 413-100-0000 about the purpose of the Department's Title IV-E Foster Care, Adoption Assistance, and Guardianship Assistance eligibility rules (OAR 413-100-0000 to 413-100-0345), OAR 413-100-0010 about the Title IV-E funding eligibility requirements, OAR 413-100-0020 about the definitions used in the Department's Title IV-E Foster Care and General Assistance funding eligibility rules, OAR 413-100-0130 about the requirements for documenting the certification or licensure of foster homes, OAR 413-100-0060 about which placements of and payments for children are Title IV-E reimbursable, OAR 413-100-0070 about which children's cases are referred for Title IV-E eligibility determinations, OAR 413-100-0080 about the effective date of Title IV-E eligibility, OAR 413-100-0110 about how the Department determines the effective date for closure of Title IV-E eligibility, OAR 413-100-0120 about how the Department verifies Title IV-E eligibility, OAR 413-100-0130 about how Title IV-E eligibility determinations are made under the Aid to Families with Dependent Children (AFDC) administrative rules in effect on July 16, 1996 had an application for AFDC program benefits been made, OAR 413-100-0160 about the financial need eligibility requirement of the AFDC program, OAR 413-100-0180 about how the Department treats the earned income of a student when determining AFDC program eligibility, OAR 413-100-0190 about how the Department treats unearned income when determining AFDC program eligibility, OAR 413-100-0200 about how the Department treats lump-sum benefit payments when determining AFDC program eligibility, OAR 413-100-0210 about citizenship and immigration status requirements for Title IV-E eligibility, OAR 413-100-0220 about the residency requirements for a child for Title IV-E eligibility, OAR 413-100-0230 about the age limitations on a child's Title IV-E eligibility, OAR 413-100-0240 about which judicial findings must be made for a child to be Title IV-E eligible, OAR 413-100-0250 about how the Department treats voluntary custody and voluntary placement agreements when determining Title IV-E eligibility, OAR 413-100-0260 about when a child in placement based on a voluntary relinquishment is Title IV-E eligible, OAR 413-100-0270 about when and how the Department redetermines a child's Title IV-E eligibility, OAR 413-100-0280 about when the Department must redetermine deprivation for a child at the relinquishment or termination of parental rights; OAR 413-100-0300 about when the Department refers a Title IV-E case to the Division of Child Support of the Oregon Department of Justice; OAR 413-100-0310 about when a Title IV-E eligible child also is eligible for Title XIX Medicaid benefits; OAR 413-100-0320 about the requirements for a child's Title XIX Medicaid eligibility; OAR 413-100-0335 about Title IV-E eligibility determinations for children eligible for adoption assistance benefits, and OAR 413-100-0345 about Title IV-E eligibility determinations for children eligible for guardianship assistance benefits are being amended to clarify the Department's policies for this program, include definitions used throughout the Title IV-E Foster Care, Guardianship Assistance, and Adoption Assistance funding eligibility rules (OAR 413-100-0000 to 413-100-0345), reflect current Department terminology, and bring the Title IV-E Foster Care, Guardianship Assistance, and Adoption Assistance funding eligibility rules into compliance with federal requirements.

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

NOTICES OF PROPOSED RULEMAKING

Written comments may be submitted until September 24, 2010 at 5:00 p.m. Written comments may be submitted via e mail to Annette.Tesch@state.or.us, faxed to 503 373 7032, or mailed to Annette Tesch, Rules Coordinator, DHS - Children, Adults, and Families Division, 500 Summer Street NE, E 48, Salem, Oregon, 97301. The Department provides the same consideration to written comment as it does to any oral or written testimony provided at the public hearing.

A copy of the draft rules can be accessed at the child welfare policy website: <http://www.dhs.state.or.us/policy/childwelfare/drafts/drafts.htm>

To request a hardcopy, please contact the Rules Coordinator.

Rules Coordinator: Annette Tesch

Address: Department of Human Services, Children, Adults and Families Division: Child Welfare Programs, 500 Summer St. NE, E-48, Salem, OR 97301-1066

Telephone: (503) 945-6067

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Department of Public Safety Standards and Training
Chapter 259

Rule Caption: Amend rule to clarify re-examination provisions in OARs governing licensed polygraph examiners.

Stat. Auth.: ORS 703.230

Stats. Implemented: ORS 703.210 & 703.230

Proposed Amendments: 259-020-0015

Last Date for Comment: 9-21-10, Close of Business

Summary: Proposed rule amendment clarifies provisions related to re-examination of licensed polygraph examiners and updates records retention requirements consistent with current laws and rules.

Rules Coordinator: Marilyn Lorange

Address: 4190 Aumsville Hwy SE, Salem, OR 97317

Telephone: (503) 378-2427

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

Rule Caption: Veteran Designation on a Driver License, Driver Permit or Identification Card.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.110, 807.160 & 807.400

Stats. Implemented: ORS 807.110, 807.160 & 807.400

Proposed Adoptions: 735-062-0012

Proposed Amendments: 735-062-0110

Last Date for Comment: 9-21-10

Summary: The 2010 Legislature passed Senate Bill 1000 (Chapter 61, Oregon Laws 2010) amending ORS 807.110, 807.160, and 807.400 allowing a person to request that his or her driver license, driver permit or identification card include a designation the person is a veteran. DMV proposes to adopt OAR 735-062-0012 to specify the proof a person must present to DMV for a veteran designation. DMV also proposes to amend OAR 735-062-0110 to specify that adding or removing a veteran designation is a reason for issuing a replacement driver license, driver permit or identification card.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Department of Transportation,
Highway Division
Chapter 734

Rule Caption: Prohibition of Bicycles and Pedestrians on Freeways.

Stat. Auth.: ORS 184.616, 184.619, 810.020 & 810.030

Stats. Implemented: ORS 810.020 & 810.030

Proposed Amendments: 734-020-0045

Last Date for Comment: 9-21-10

Summary: Recent construction in the Medford area of new freeway interchanges has made the milepost limits in the current OAR incorrect. The amendments to OAR 734-020-0045 prohibit both bicycles and pedestrians on urban freeways in Portland and Medford and redefine the limits of the Medford prohibition to match mileposts of new South and North Medford Interchanges. Current wording of OAR 734-020-0045 only prohibits non-motorized vehicles (i.e. bicycles) and pedestrian travel along these urban freeways is not as safe as using numerous alternative routes on the urban street network. Pedestrians would still be allowed to walk along freeways if their vehicle is disabled as per ORS 814.100.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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Rule Caption: Outdoor advertising permit and business license fees.

Stat. Auth.: ORS 184.616, 184.619, 377.729 & 377.730

Stats. Implemented: ORS 377.729 & 377.730

Proposed Amendments: 734-059-0100

Last Date for Comment: 9-21-10

Summary: Statute requires program to recover its costs; costs have gone up and revenue down so fees must go up.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

.....
Department of Transportation,
Motor Carrier Transportation Division
Chapter 740

Rule Caption: ODOT intends to amend and repeal rules regarding motor carrier bond and insurance requirements.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 825.160, 825.162, 825.164 & 825.506

Stats. Implemented: ORS 825.160, 825.162, 825.164, 825.166 & 825.506

Proposed Amendments: 740-040-0010, 740-040-0060, 740-040-0070

Proposed Repeals: 740-040-0050

Last Date for Comment: 9-21-10

Summary: These rules describe the requirements and methods for a motor carrier to provide proof of insurance coverage and a highway use tax bond to the Department. OAR 740-040-0050 is repealed as the requirements in the rule regarding collect-on-delivery service were preempted by federal authority. The amendments to insurance rules are needed to reflect current agency practices, clarify when a motor carrier is required to file proof of insurance with the Department and provide uniform methodology for addressing insurance filings when a motor carrier changes operations. The amendments to OAR 740-040-0070 are needed to reflect current agency practices, clarify when the Department will treat a motor carrier as a new carrier for the purpose of requiring a highway use tax bond and decreases the bond amount required from certain motor carriers. Additional revisions to OAR 740-040-0070 provide the Department flexibility in determining if a highway use tax bond may be waived, clarify conditions when a bond waiver may not be granted and describe Department action if a cash deposit is applied to a motor carrier's outstanding balance.

NOTICES OF PROPOSED RULEMAKING

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

.....
**Department of Transportation,
Rail Division
Chapter 741**

Rule Caption: State System Safety Program Standards for Rail Fixed Guideway Systems.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.045 & 824.990

Other Auth.: 49 CFR 659 & 49 USC 5330

Stats. Implemented: ORS 824.045

Proposed Amendments: 741-060-0010, 741-060-0020, 741-060-0025, 741-060-0030, 741-060-0050, 741-060-0060, 741-060-0070, 741-060-0080, 741-060-0090, 741-060-0095, 741-060-0100, 741-060-0110

Last Date for Comment: 9-21-10

Summary: These rules amend and clarify the existing system safety program standards for rail fixed guideway systems operated by Oregon municipalities. Changes to the rules are necessary to clarify compliance with the federal guidance, law and regulations, 49 USC 5330 and 49 CFR 659 for the two larger rail fixed guideway systems and existing reporting expectations of the two smaller rail fixed guideway systems. They reflect actual practice for the oversight of rail fixed guideway systems The Rail Division was audited by FTA and was found in need of updates to its system safety program standards.

These amendments will bring existing rule into compliance with statute for accessing annual fees.

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

Rules Coordinator: Lauri Kunze

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

Telephone: (503) 986-3171

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**Employment Relations Board
Chapter 115**

Rule Caption: Amends rules for procedure for higher education faculty elections.

Date:	Time:	Location:
9-13-10	1:30 p.m.	Employment Relations Board 528 Cottage St. NE, Rm. 340 Salem, OR 97301

Hearing Officer: Paul B. Gamson, Board Chair

Stat. Auth.: ORS 243.766(7) & 243.682(2)(b)

Other Auth.: SB 989 (2010)

Stats. Implemented: ORS 243.686

Proposed Amendments: 115-025-0060

Last Date for Comment: 9-14-10

Summary: Makes permanent the temporary rule filed on April 13, 2010.

Deletes section (6) and renumbers subsequent subsection of OAR 115-025-0060, to eliminate two-step election procedure for higher education faculty. This conforms agency rules with Senate Bill 989, which was adopted by the Legislature during the 2010 special session. The bill contained an emergency clause and became effective when it was signed by the Governor on March 4, 2010.

Rules Coordinator: Leann G. Wilcox

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

Telephone: (503) 378-8610

**Land Conservation and Development Department
Chapter 660**

Rule Caption: Proposal to Amend the Willamette River Greenway Plan boundary within the City of Portland.

Date:	Time:	Location:
9-2-10	9 a.m.	635 Capitol St. Basement Hearing Rm. Salem, OR 97301
10-19-10	1 p.m.	Metro Regional Center 600 NE Grand Ave. Portland, OR 97232-2736

Hearing Officer: LCDC

Stat. Auth.: ORS 197.040, 390.318 & 390.322

Other Auth.: OAR 660-020-0065

Stats. Implemented: ORS 390.310-390.368

Proposed Amendments: 660-020-0060

Last Date for Comment: 10-19-10

Summary: The proposed amendment would change the Willamette River Greenway Plan boundary along that portion of the river within the city limits of Portland.

Rules Coordinator: Casaria Tuttle

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

Telephone: (503) 373-0050, ext. 322

.....
**Landscape Contractors Board
Chapter 808**

Rule Caption: Clarifies subcontracting requirements, eliminates address change by post office as official address and allows settlement of fine for failure to notify board of address change.

Date:	Time:	Location:
9-23-10	9 a.m.	2111 Front St. NE, Suite 2-101 Salem, OR 97301

Hearing Officer: Michael A. Snyder

Stat. Auth.: ORS 183, 671.670 & 670.310

Stats. Implemented: ORS 671.560, 671.565, 671.595, 671.600, 671.603, 671.605, 671.625 & 671.997

Proposed Amendments: 808-002-0020, 808-002-0540, 808-003-0040, 808-003-0045, 808-003-0125, 808-005-0020

Proposed Repeals: 808-003-0200

Last Date for Comment: 9-23-10, Close of Hearing

Summary: 808-002-0020 – Requires contract to include name and license number of any subcontractor and a description of the landscaping work to be subcontracted. It also requires written notification to the consumer before the landscaping work is performed.

808-002-0540 – Repeals the requirement that a forwarding address for a licensee as designated by the United State Postal Service as the last-known address of record without taking into consideration the address notification statute that requires a licensee to notify the board of a change of address. This rule is being repealed because it is inconsistent with Oregon Law (ORS 671.510-671.760). The repeal of this rule allows the Board to bring its rules into conformity with the law.

808-003-0040 – Clarifies a landscape contracting business may not advertise for or perform those phases of landscaping work for which it does not hold a license. This rule also clarifies a landscape contracting business may subcontract work outside the scope of the license.

808-003-0045 – Clarifies if a phase of license changes, that landscape contracting business must stop advertising or performing the work outside the scope of the license.

808-003-0125 – Requires a landscape contracting business to notify the board when a phase of license changes and allows online notification.

808-003-0200 – Repeals rule that allows subcontracting in this rule because it is being moved to OAR 808-003-0040.

808-005-0020 – Allows the Board to settle for violations of failure to notify the board of a change of address for the first offense.

Rules Coordinator: Kim Gladwill-Rowley

NOTICES OF PROPOSED RULEMAKING

Address: Landscape Contractors Board, 2111 Front Street NE, Suite 2-101, Salem, OR 97301

Telephone: (503) 378-5909, ext. 223

Office for Oregon Health Policy and Research Chapter 409

Rule Caption: Amendments to Health Care Facility Financial Reporting Rules.

Stat. Auth.: ORS 442.405(1), 442.420(3)(d) & 442.425

Stats. Implemented: ORS 442.425

Proposed Amendments: 409-015-0012, 409-015-0015

Last Date for Comment: 9-22-10, 5 p.m.

Summary: The Department of Human Services (Department) is updating to accurately reflect certain data is now submitted electronically versus paper form.

Rules Coordinator: Zarie Haverkate

Address: 1225 Ferry Street SE, 1st Floor, Salem, OR 97301

Telephone: (503) 373-1574

Oregon Business Development Department Chapter 123

Rule Caption: These rules revise the Confidential Records section for the Business Retention Fund.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285A.224 & 192.502(17)

Proposed Amendments: 123-016-0060

Last Date for Comment: 9-21-10

Summary: These rules contain a revision of the Confidential records section 123-016-0060. The language has been rewritten to comply with statute. The statute has been corrected to name the right one.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

Rule Caption: These rules revise the Oregon Business Development Loan Fund to implement the BOOST Fund.

Stat. Auth.: ORS 285A.075

Stats. Implemented: ORS 285B.050–285B.098

Proposed Adoptions: 123-017-0060, 123-017-0070, 123-017-0080

Proposed Amendments: 123-017-0008, 123-017-0015, 123-017-0020, 123-017-0025, 123-017-0030, 123-017-0035, 123-017-0055

Proposed Repeals: 123-017-0008(T), 123-017-0015(T), 123-017-0020(T), 123-017-0025(T), 123-017-0030(T), 123-017-0035(T), 123-017-0055(T), 123-017-0060(T), 123-017-0070(T), 123-017-0080(T)

Last Date for Comment: 9-21-10

Summary: These rules are being revised due to legislation brought forth in the 2010 Special Session of the Legislature through HB 3698. The legislation created the Building Opportunities for Oregon Small Business Today Program or BOOST fund. The newly adopted rules explain eligibility and approval requirements for both loan and grant programs offered by the BOOST fund.

The rules were temporarily adopted on May 28, 2010 and are now going through the permanent process.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

Rule Caption: These rules revise the Entrepreneurial Development Loan Fund due to legislation in the 2010 Special Session.

Stat. Auth.: ORS 285A.075 & 285B.740–285B.758

Other Auth.: ORS 192.410–192.505 & 447.210–447.280

Stats. Implemented: ORS 285A.075 & 285B.740–285B.758

Proposed Amendments: 123-019-0000, 123-019-0010, 123-019-0020, 132-019-0030, 123-019-0040, 123-019-0050, 123-019-0060, 123-019-0070, 123-019-0080, 123-019-0090, 123-019-0100

Proposed Repeals: 123-019-0000(T), 123-019-0010(T), 123-019-0020(T), 132-019-0030(T), 123-019-0040(T), 123-019-0050(T), 123-019-0060(T), 123-019-0070(T), 123-019-0080(T), 123-019-0090(T), 123-019-0100(T)

Last Date for Comment: 9-21-10

Summary: These rules are revised to comply with SB 1017 resulting from the 2010 Special Legislative Session. Loan amounts have been raised from up to \$40,000 to \$70,000. The initial amount borrowed from the fund is now not to exceed \$50,000 raised from \$25,000. The percentage value on collateral has also been raised. Eligibility requirements calling for total revenues in the 12 calendar months immediately preceding the date of application to the Fund have been increased to \$500,000 or less. The requirement that applicants must not have been operating for more than 36 months as of the date of the application has been eliminated. Language has been changed to state that the applicant will provide good and sufficient collateral for the loan and the collateral coverage ratio should be at least 1:1.

Rules Coordinator: Mindee Sublette

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

Telephone: (503) 986-0036

Oregon Criminal Justice Commission Chapter 213

Rule Caption: Presentence Reports.

Stat. Auth.: ORS 137.656 & 137.667

Stats. Implemented: ORS 137.656, 137.667 & SB 914 (2005)

Proposed Amendments: 213-013-0010

Last Date for Comment: 10-4-10

Summary: The rule change is needed to implement OR Laws 2005 Ch. 473 (SB 914 (2005)). That legislation directs the Oregon Department of Corrections to require that a presentence report provide an analysis of the disposition most likely to reduce the defendant's criminal conduct, explain why the disposition would have such an effect, and provide an assessment of the availability to the defendant of relevant programs and treatment. The Criminal Justice Commission is amending its rule pertaining to Presentence Reports to be consistent with changes adopted by the Department of Correction to implement SB 914.

Rules Coordinator: Craig Prins

Address: Oregon Criminal Justice Commission, 885 Summer St. NE, Salem, OR 97301

Telephone: (503) 378-4830

Oregon Department of Education Chapter 581

Rule Caption: Modifies rule relating to evaluation of student transcripts.

Date:	Time:	Location:
9-29-10	1 p.m.	255 Capitol St. NE, Rm. 251A Salem, OR

Hearing Officer: Cindy Hunt

Stat. Auth.: ORS 326.051

Stats. Implemented: ORS 326.051 & 326.565

Proposed Amendments: 581-021-0210

Last Date for Comment: 9-29-10, 5 p.m.

Summary: OAR 581-022-0031 as adopted by the State Board of Education in April 2009, provided districts with additional options for awarding credit to in-district students. The new rule amendments to OAR 581-021-0210 align the evaluation of student transcripts with the credit options rule previously adopted by the state board. Districts use OAR 581-021-0210 daily to determine the value of credit from out-of-district students entering their schools. Since 1994, additional

NOTICES OF PROPOSED RULEMAKING

development of distance learning, and other proficiency based credits have rendered the scope of OAR 581-021-0210 out-of-date.

Additionally, the new rule amendments also specifically address students from military families who have been transferred in and out of state due to active duty orders.

Rules Coordinator: Diane Roth

Address: 255 Capitol St NE, Salem, OR 97310

Telephone: (503) 947-5791

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Oregon Health Licensing Agency
Chapter 331

Rule Caption: Establishes purposes for affidavits of licensure as well as protocols for sending and receiving the affidavits.

Stat. Auth.: ORS 676.615

Other Auth.: ORS 676.610

Stats. Implemented: ORS 676.607

Proposed Amendments: 331-030-0040

Last Date for Comment: 9-28-10

Summary: The rule defines the different types of affidavit of licensure which is a document or other approved means of verifying an authorization to practice including status, history, and information disclosing all unresolved or outstanding penalties and/or disciplinary actions. The agency has identified two purposes for affidavits of licensure.

(1) Incoming – OHLA receives an affidavit that an individual holds an authorization from another regulatory authority. Method for receiving authenticity of affidavit is prescribed and approved by the agency.

(2) Outgoing – OHLA sends an affidavit that an individual holds authorization from an OHLA regulated profession to another regulatory authority or individual designated on the application. Sets requirements to process request including identification and authenticity methods.

Rules Coordinator: Samantha Patnode

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

Telephone: (503) 373-1917

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Oregon Liquor Control Commission
Chapter 845

Rule Caption: Adoption of winery rules governing privilege tax reporting, exemptions, and payment.

Date:	Time:	Location:
10-5-10	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman

Stat. Auth.: ORS 471 & 473, including 471.030, 471.730(1), (3) & (5) & 473.020

Stats. Implemented: ORS 473.050, 473.060, 473.070 & 473.140

Proposed Adoptions: 845-008-0050, 845-008-0070, 845-008-0080, 845-008-0090

Proposed Ren. & Amends: 845-010-0154 to 845-008-0060

Last Date for Comment: 10-19-10

Summary: In April 2009, the Commission accepted a petition from the Oregon Winegrowers Association (OWA) and initiated action to adopt rules in this package. The proposed new winery rules would govern the reporting and payment of privilege tax in the areas of: tax reporting and liability, small winery exemption, penalties and interest, and refunds.

Rules Coordinator: Jennifer Huntsman

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

Telephone: (503) 872-5004

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Rule Caption: Amend two rules to eliminate inconsistencies regarding minimum server age at temporary sales licensed events.

Date:	Time:	Location:
9-23-10	10 a.m.	9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman

Stat. Auth.: ORS 471, including 471.030, 471.040, 471.190 & 471.730(1) & (5)

Stats. Implemented: ORS 471.190, 471.360, 471.365(2), 471.375 & 471.482

Proposed Amendments: 845-005-0440, 845-009-0010

Last Date for Comment: 10-7-10

Summary: OAR 845-005-0440 Temporary Sales Licenses: This rule describes the required qualifications for and privileges associated with the Commission's issuance of a Temporary Sales License (TSL). The rule is currently silent on the minimum required age for servers at these temporary sales licensed events.

To improve consistency and clarity around the requirements for these temporary events, staff is proposing the addition of a new section (11) which would state that alcohol servers must be at least 21 years of age with limited exceptions for the performance of food related duties. These exceptions would parallel those currently allowed for minor permittees (age 18 to 20) on an annually licensed premises.

OAR 845-009-0010 Service Permit Requirements: This rule describes who is and isn't required to have a service permit. Because the current rule language states that all employees at a temporary sales licensed event must be at least 21 years of age without exception and does not distinguish between an employee and a volunteer, staff proposes to delete the minimum age requirement from this rule and instead include it in the Temporary Sales License rule (as stated above). Staff also proposes a couple of housekeeping amendments. The first is to delete subsection (1)(d) since the current requirements for those who deliver wine, cider & malt beverages are now contained in OAR 845-006-0392 & -0396, which were amended as part of the implementation of the new Wine Shipper Permits in 2008. And the second is to create a new subsection (2)(c) describing the statutory service permit exception for nonprofit or charitable organization TSLs.

Rules Coordinator: Jennifer Huntsman

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

Telephone: (503) 872-5004

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Rule Caption: Amend prohibited conduct rule's drinking on duty section to expand the definition of "on duty."

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

Hearing Officer: Jennifer Huntsman

Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.030, 471.040, 471.175, 471.178, 471.200, 471.315(1)(a)(G), 471.405(1), 471.408, 471.412, 471.675 & 471.730

Proposed Amendments: 845-006-0345

Last Date for Comment: 10-26-10

Summary: This rule describes a variety of acts which both licensees (including their employees or agents) and service permittees are prohibited from engaging in. Section (1) specifies that no licensee or permittee will drink or be under the influence of intoxicants while "on duty". Due to recent case history, staff is recommending the amendment of section (1) regarding drinking on duty. The proposed amendments would expand the definition of "on duty" to include working outside of a scheduled work shift. Whether a person is paid or scheduled for work would not be determinative of whether a person is considered "on duty". Instead it would hinge on their performing acts on behalf of the licensee which involve the mixing, sale or service of alcoholic beverages, checking identification or controlling conduct on the premises.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Jennifer Huntsman
Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222
Telephone: (503) 872-5004

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Rule Caption: Adopt rule requiring public input process for increases in the retail price of distilled spirits.

Date: 10-7-10 **Time:** 10 a.m. **Location:** 9079 SE McLoughlin Blvd. Portland, OR 97222

Hearing Officer: Jennifer Huntsman
Stat. Auth.: ORS 471, including 471.030, 471.040 & 471.730(1) & (5)
Stats. Implemented: ORS 471.745
Proposed Adoptions: 845-015-0138
Last Date for Comment: 10-21-10

Summary: The Distilled Spirits Council of the United States (DISCUS) submitted a petition requesting the adoption of a new rule relating to the retail price of distilled spirits. The petitioner is proposing a new rule setting forth a required public input process for increases in the retail price of distilled spirits sold to the public. The proposed new rule would require 60 days notice to the public, including a public hearing for oral testimony and a written comment period, before any change in the pricing formula resulting in a price increase could be made.

Rules Coordinator: Jennifer Huntsman
Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222
Telephone: (503) 872-5004

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Rule Caption: Amend rule to delegate authority to the Administrator in connection with contested case procedural matters.

Stat. Auth.: ORS 183.341(2), 471.730(5) & (6)
Stats. Implemented: ORS 183.341(2)
Proposed Amendments: 845-003-0670

Last Date for Comment: 9-30-10
Summary: This rule describes the specific authorities that the Commissioners delegate to others, such as the agency Administrator, in connection with contested cases and states that the Commissioners retain all authority not specifically delegated. We need to amend this rule in order to delegate to the Administrator the specific authority to prepare and issue orders to address procedural matters arising prior to or after a hearing in a contested case, such as orders granting or denying late hearing requests and requests related to discovery, depositions and participation as a party in a contested case.

Rules Coordinator: Jennifer Huntsman
Address: Oregon Liquor Control Commission, 9079 SE McLoughlin Blvd., Portland, OR 97222
Telephone: (503) 872-5004

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Oregon Medical Board Chapter 847

Rule Caption: Add U.S. Department of Veteran Affairs and Foreign Service; CME requirements.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265
Proposed Amendments: 847-008-0015, 847-008-0018, 847-008-0070
Last Date for Comment: 9-24-10

Summary: The proposed rule amendments add service under the U.S. Department of Veteran Affairs or U.S. Department of State Foreign Service to the definition of Military/Public Health active status; and clarifies language on continuing medical competence requirements for licensees with various statutes.

Rules Coordinator: Malar Ratnathicam

Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

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Rule Caption: Removes use of "California List" and other related language to approve international medical schools.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265
Proposed Amendments: 847-020-0130
Last Date for Comment: 9-24-10

Summary: The proposed rule amendment removes the use of "California List" to approve international medical schools; adds language to determine acceptance of international medical schools which will clarify accredited medical school requirement for the licensure process for international medical graduates.

Rules Coordinator: Malar Ratnathicam
Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

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Rule Caption: Reorders current levels of EMT providers; tracheo-bronchial tube suctioning; transport/patient care during mass casualty.

Stat. Auth.: ORS 682.245
Stats. Implemented: ORS 682.245
Proposed Amendments: 847-035-0001, 847-035-0030
Last Date for Comment: 9-24-10

Summary: The proposed rule amendments re-order to better reflect lowest to highest scopes of practice and add tracheobronchial tube suctioning on the intubated patient and provide transport/patient care in the event of a declared Mass Casualty Incident (MCI) to the EMT scope of practice.

Rules Coordinator: Malar Ratnathicam
Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

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Rule Caption: Defines Supervising Physician Organization (SPO); prior to licensure, supervising physicians not required for PA's in Military/Public Health.

Stat. Auth.: ORS 677.265
Other Auth.: HB 3642 (2010)
Stats. Implemented: ORS 677.265
Proposed Amendments: 847-050-0010, 847-050-0015
Last Date for Comment: 9-24-10

Summary: The proposed rule amendments define Supervising Physician Organization (SPO) and physician assistants in Military/Public Health service to not have a supervising physician prior to licensure.

Rules Coordinator: Malar Ratnathicam
Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

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Rule Caption: House Bill 2345 (2009) establishment of Health Professionals Services Program (HPSP).

Stat. Auth.: ORS 676.185-676.200 & 677.265
Other Auth.: HB 2345 (2009)
Stats. Implemented: ORS 676.185-676.200 & 677.265
Proposed Adoptions: 847-065-0010, 847-065-0015, 847-065-0020, 847-065-0030, 847-065-0035, 847-065-0040, 847-065-0045, 847-065-0050, 847-065-0055, 847-065-0060, 847-065-0065
Proposed Repeals: 847-065-0000
Last Date for Comment: 9-24-10

Summary: The proposed rule amendment allows for the establishment of a Health Professionals Services Program (HPSP) per House Bill 2345 (2009) to provide diagnosis and treatment options to impaired health professionals, effective July 1, 2010.

NOTICES OF PROPOSED RULEMAKING

Rules Coordinator: Malar Ratnathicam
Address: Oregon Medical Board, 1500 SW 1st Ave., Suite 620, Portland, OR 97201
Telephone: (971) 673-2713

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

Rule Caption: New rule to address employer remitting of employer contributions.

Date:	Time:	Location:
9-28-10	1 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 238.650 & 238A.450
Stats. Implemented: ORS 238.225
Proposed Adoptions: 459-009-0225
Last Date for Comment: 10-26-10

Summary: Provides that employer must remit amounts determined by the Board to be actuarially necessary to fund pension benefits under ORS Chapters 238 and 238A. Provides employer contributions are determined by applying employer contribution rates established by the Board to salary of active and retired members employed by the employer.

Copies of the proposed rules are available to any person upon request. The rules are also available at http://www.oregon.gov/PERS/about_us.shtml. Public comment may be mailed to the above address or sent via email to Daniel.Rivas@state.or.us

Rules Coordinator: Daniel Rivas
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

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Rule Caption: Permits PERS to disclose employee's membership status to enable employer to comply with reporting requirements.

Date:	Time:	Location:
9-28-10	1 p.m.	PERS Boardroom 11410 SW 68th Pkwy. Tigard, OR

Hearing Officer: Daniel Rivas
Stat. Auth.: ORS 192.430, 238.650 & 238A.450
Stats. Implemented: ORS 192.502
Proposed Amendments: 459-060-0020
Last Date for Comment: 10-26-10

Summary: OAR 459-060-0020 provides generally that PERS will not disclose member records except to the member, or to an authorized representative of the member or the member's estate. It provides limited scenarios in which PERS may provide otherwise exempt information to an employer to enable the employer to comply with other obligations or to perform reconciliations that require such information. The proposed minor modification is consistent with that policy, as it would accommodate the sharing of an employee's membership status, i.e., active, inactive, retired, non-member, with the employer to enable the employer to comply with the reporting requirements of OAR 459-070-0100.

Copies of the proposed rules are available to any person upon request. The rules are also available at http://www.oregon.gov/PERS/about_us.shtml. Public comment may be mailed to the above address or sent via email to Daniel.Rivas@state.or.us

Rules Coordinator: Daniel Rivas
Address: Oregon Public Employees Retirement System, PO Box 23700, Tigard, OR 97281
Telephone: (503) 603-7713

Oregon State Library
Chapter 543

Rule Caption: State Documents Depository Program.

Date:	Time:	Location:
10-15-10	11 a.m.	Oregon State Library 250 Winter St. NE Salem, OR 97301

Hearing Officer: Sue Burkholder
Stat. Auth.: ORS 357.015(2) & 357.090
Stats. Implemented: ORS 357.005(2)(j) & 357.090-357.105
Proposed Amendments: 543-070-0000

Last Date for Comment: 10-15-10, Close of Hearing
Summary: This rule establishes the framework for the state publication depository program. This amendment accomplishes three things:

- (1) Eliminates one depository library (Western Oregon University);
- (2) Clarifies obligations of depository libraries;
- (3) Clarifies publications which are and are not included in the depository program.

Rules Coordinator: James B. Scheppke
Address: 250 Winter St. NE, Salem, OR 97301
Telephone: (503) 378-4367

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Rule Caption: Oregon Statewide Reference Assistance Program.

Date:	Time:	Location:
10-15-10	11 a.m.	Oregon State Library 250 Winter St. NE Salem, OR 97301

Hearing Officer: Sue Burkholder
Stat. Auth.: ORS 357.015(2)
Stats. Implemented: ORS 357.206, 357.209 & 357.212
Proposed Amendments: 543-060-0000 – 543-060-0070

Last Date for Comment: 10-15-10, Close of Hearing
Summary: This rule provides the framework for the Statewide Reference Assistance Program. This amendment will:

- Change the payment exemption from a dollar amount to a service population size;
- Replace outdated wording;
- Delete references to the newspaper database that is no longer included in the program.

Rules Coordinator: James B. Scheppke
Address: Oregon State Library, 250 Winter St. NE, Salem, OR 97301
Telephone: (503) 378-4367

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Parks and Recreation Department
Chapter 736

Rule Caption: The General Park Rules provide public direction and guidance on use of Oregon State Parks.

Stat. Auth.: ORS 390.050, 390.111, 390.121 & 390.124
Stats. Implemented: ORS 390.111
Proposed Adoptions: 736-010-0066
Last Date for Comment: 9-21-10, 5 p.m.

Summary: A new rule is being added to the General Park Area Rules to provide guidance and an approval process for requests for doing recognitions and honorary features at State Capitol State Park in response to numerous requests from the public and state agencies.

Rules Coordinator: Vanessa DeMoe
Address: Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem, OR 97301
Telephone: (503) 986-0719

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Public Utility Commission
Chapter 860

Rule Caption: In the Matter of a Rulemaking to Require Energy Utility Reporting Relating to Major Shareholders.

NOTICES OF PROPOSED RULEMAKING

Date: 9-30-10
Time: 9:30 a.m.
Location: Public Utility Commission
550 Capitol St. NE
Main Hearing Rm., 1st Floor
Salem, OR 97301

Hearing Officer: Traci A. G. Kirkpatrick
Stat. Auth.: ORS 756.040 & 757.511
Stats. Implemented: ORS 757.511
Proposed Adoptions: 860-027-0175
Last Date for Comment: 9-30-10, 5 p.m.

Summary: The proposed rule creates new reporting requirements for the regulated energy utility companies. The proposed rule is needed because major shareholders of a regulated utility have the potential to exercise substantial influence over a utility. Existing rules and regulations do not require utility companies to identify and report to the Commission the identity of major shareholders in a timely manner. The Attorney General's Office advises that whether to not an application is required under ORS 757.511 is a two-part test requiring ownership of at least 5 percent of a utility's common stock as well as acquisition of the power to exercise substantial influence over the policies and actions of certain regulated utilities. The reporting required by this proposed rule identifies major shareholders for the Commission in a timely fashion.

The Commission encourage participants to file written comments as early as practicable in the proceeding so that other participants have the opportunity to consider and respond to the comments before the deadline.

Please reference Docket No. AR 544 on comments and file them by e-mail to the Commission's Filing Center at PUC.FilingCenter@state.or.us and also send a signed hardcopy to the Filing Center at PO Box 2148, Salem, Oregon 97308-2418. For more information about the Commission's Filing Center, please see <http://apps.puc.state.or.us/edockets/center.htm>. Interested persons may review all filings online at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=16351>

Participants wishing to monitor the hearing by telephone (listen only) must contact Diane Davis at diane.davis@state.or.us or (503) 378-4372 by close of business September 28, 2010, to request a dial-in number. To present oral comment at the hearing, participants must attend in person.

Rules Coordinator: Diane Davis
Address: Public Utility Commission of Oregon, PO Box 2148, Salem, OR 97308
Telephone: (503) 378-4372

Racing Commission
Chapter 462

Rule Caption: The proposed rulemaking will edit OARs to reflect current racing industry standards and best practices.

Date: 9-16-10
Time: 10 a.m.–12 p.m.
Location: Portland State Office Bldg.
800 NE Oregon, Rm. 1A
Portland, OR

Hearing Officer: Charles R. Williamson
Stat. Auth.: ORS 462.270(3) & 462.250
Stats. Implemented: ORS 462.070, 462.270, 462.020, 462.450, 462.020 & 462.405

Proposed Amendments: 462-110-0010, 462-120-0010, 462-120-0020, 462-120-0030, 462-120-0040, 462-120-0050, 462-120-0060, 462-120-0090, 462-120-0100, 462-120-0110, 462-120-0120, 462-130-0010, 462-130-0020, 462-130-0030, 462-130-0040, 462-130-0050, 462-130-0060, 462-140-0040, 462-140-0025, 462-140-0030, 462-140-0050, 462-140-0060, 462-140-0070, 462-140-0080, 462-140-0100, 462-140-0130, 462-150-0060, 462-160-0110, 462-160-0120, 462-160-0130, 462-210-0030

Proposed Repeals: 462-110-0020, 462-110-0030, 462-120-0080, 462-120-0130, 462-140-0390, 462-140-0400, 462-140-0410, 462-140-0420, 462-140-0430, 462-140-0440, 462-140-0450, 462-140-

0460, 462-140-0480, 462-140-0490, 462-140-0500, 462-140-0510, 462-140-0520, 462-140-0530, 462-140-0540

Last Date for Comment: 9-16-10, Close of Hearing

Summary: AMEND: 462-110-0010 (General) to become 462-110-0010 Racing Definitions. Combines 462-110-0010 and 462-110-0020 into one definition section. Remove language referring to greyhound racing. 462-120-0010: Remove language referring "driver", "dog owner", "judge", and other greyhound racing references. 462-120-0020: Remove language referring to judges and other greyhound racing references. 462-120-0020 (1)(a): Change number of days prior to and after race meets that a search can be conducted. 462-120-0030: Remove language referring to "judges" and other greyhound racing references. 462-120-0040: Remove greyhound racing references. 462-120-0040(4)(b): Adds language to allow the trainer representing an owner to file an application for a temporary license on their behalf; gives further direction to stable owners regarding requirements. 462-120-0050: Remove greyhound racing references, indicates a training track shall be licensed and adds language detailing what must be included in a license application. 462-120-0060: Clarifies exception to the rule by reference to another OAR. 462-120-0090: Remove greyhound racing references. 462-120-0100: Remove greyhound racing references. 462-120-0100(2)(a): Adds language at the end of the section referring back to and order issued by the board of stewards. 462-120-0110: Remove greyhound racing references. 462-120-0120(4): Adds language regarding disqualification of a license based on the licensee s conduct. 462-130-0010: Remove greyhound racing references. 462-130-0020: Remove greyhound racing references. 462-130-0030: Remove greyhound racing references. 462-130-0040: Remove greyhound racing references. 462-130-0050: Remove greyhound racing references. 462-130-0050(1): Adds language regarding filing date. 462-130-0060: Remove greyhound racing references. 462-140-0025: Remove greyhound racing references. 462-140-0030: Remove greyhound racing references. 462-140-0040(1): Clarifies language regarding licensing requirements of Veterinarians. 462-140-0040(2): Speaks to time line of submitting reports. 462-140-0040(4): Wording removed to clarify and update the section. 462-140-0040(7): Specifies that Veterinarians must maintain security of controlled substances. 462-140-0050: Remove greyhound racing references. 462-140-0060: Remove greyhound racing references. 462-140-0070: Remove greyhound racing references. 462-140-0080: Remove greyhound racing references. 462-140-0100: Remove greyhound racing references. 462-140-0100(5): Updates section to state that matters will be referred to the board of stewards. 462-140-0130(31)(j): Adds language regarding use of exposed element heating appliances. 462-150-0060(8)(c): Adds language to clearly identify riding crop requirements. 462-150-0060 (8)(f): Amends language regarding use of the Cornell Collar. 462-160-0110(3)(c): Changes time requirement for submitting a medication report. 462-160-0120(5): Adds language that states medication taken into a stall intended for use on a different horse in a another stall may be investigated. 462-160-0130(4)(a)(A): Removes the language "with an M." 462-210-0030: Adds language regarding required documentation. Removes social security requirement.

REPEAL: 462-110-0020 as it will be combined into 462-110-0010. 462-110-0030; 462-120-0080; 462-120-0130; 462-140-0390; 462-140-0400; 462-140-0410; 462-140-0420; 462-140-0430; 462-140-0440; 462-140-0450; 462-140-0460; 462-140-0480; 462-140-0490; 462-140-0500r; 462-140-0510; 462-140-0520; 462-140-0530; and 462-140-0540 as the rules are specific to greyhound racing and Oregon has not hosted live greyhound racing since 2004.

Rules Coordinator: Nancy A. Artmann

Address: 800 NE Oregon, Suite 310, Portland, OR 97232

Telephone: (971) 673-0211

NOTICES OF PROPOSED RULEMAKING

Teacher Standards and Practices Commission Chapter 584

Rule Caption: Clarifies Civil Rights test requirement, creates School Social Worker license and amends other rule language.

Date: 9-29-10
Time: 1–3 p.m.
Location: TSPC Office
465 Commercial St. NE
Salem, OR 97301

Hearing Officer: Victoria Chamberlain

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120–342.430, 342.455–342.495

Proposed Adoptions: 584-017-0500, 584-017-0510, 584-017-0520, 584-017-0530, 584-017-0541, 584-017-0551, 584-017-0555, 584-017-0560, 584-017-0570, 584-017-0580, 584-060-0250, 584-070-0205, 584-070-0400, 584-070-0411, 584-070-0421, 584-070-0431

Proposed Amendments: 584-010-0090, 584-017-0200, 584-017-0201, 584-017-0300, 584-017-0390, 584-017-0480, 584-021-0165, 584-023-0005, 584-036-0055, 584-042-0044, 584-060-0162, 584-060-0171, 584-060-0181, 584-060-0182, 584-060-0190, 584-060-0200, 584-060-0210, 584-060-0220, 584-070-0001, 584-070-0111, 584-070-0112, 584-070-0132, 584-070-0211, 584-070-0221, 584-070-0271, 584-070-0310, 584-080-0031, 584-080-0153, 584-080-0161, 584-080-0171

Proposed Repeals: 584-036-0081, 584-042-0002, 584-042-0006, 584-042-0009

Proposed Renumberings: 584-048-0065 to 584-044-0048

Last Date for Comment: 11-4-10, 3:30 p.m.

Summary: For details of the proposed rules please visit the TSPC website: http://tspc.oregon.gov/support/news_page.asp

ADOPT: 584-017-0500 – Purpose of School Social Worker Licensure.

584-017-0510 – Selection, Recruitment and Admission of Candidates.

584-017-0520 – Retention and Advising.

584-017-0530 – Curriculum Design.

584-017-0541 – Knowledge, Skills, Abilities and Cultural Competencies for Initial School Social Worker License.

584-017-0551 – Knowledge, Skills, Abilities Cultural Competence for Continuing School Social Worker License.

584-017-0555 – Authorization Level for School Social Workers.

584-017-0560 – Practica for the School Social Worker.

584-017-0570 – Knowledge of School Law for School Social Worker.

584-017-0580 – Verification of Program Completion.

584-060-0250 – Licensure for Conditional Assignment.

584-070-0205 – Scope of School Psychology.

584-070-0400 – Scope of School Social Worker Licensure.

584-070-0411 – Initial School Social Worker License.

584-070-0421 – Continuing School Social Worker License.

584-070-0431 – Transitional School Social Worker License for First Time Out-of-State Applicants.

RENUMBER: 584-048-0065 to 584-044-0048 – Basic Personnel Service License Renewal.

AMEND: 584-010-0090 – Program Completion Fast Track – Field Operation Audit .

584-017-0200 – Verification of Program Completion.

584-017-0201 – Substitute License When Program is Not Complete.

584-017-0300 – Verification of Program Completion (Administrators).

584-017-0390 – Verification of Program Completion (School Psychology).

584-017-0480 – Verification of Program Completion (School Counseling).

584-021-0165 – Verifying Knowledge of Laws Prohibiting Discrimination.

584-023-0005 – Registry of Charter School Teachers and Administrators.

584-036-0055 – Fees.

584-042-0044 – Career and Technical Education (CTE) Endorsements.

584-060-0162 – Restricted Transitional Teaching License.

584-060-0171 – Limited Teaching License.

584-060-0181 – Substitute Teaching License.

584-060-0182 – Restricted Substitute License.

584-060-0190 – Teaching Associate License.

584-060-0200 – American Indian Languages Teaching License.

584-060-0210 – Emergency Teaching License.

584-060-0220 – International Visiting Teacher License.

584-070-0001 – Purpose of Personnel Service Licenses.

584-070-0111 – Transitional School Counselor

584-070-0112 – Restricted Transitional School Counselor License.

584-070-0132 – Emergency School Counselor License.

584-070-0211 – Initial School Psychologist License.

584-070-0221 – Continuing School Psychologist License.

584-070-0271 – Transitional School Psychologist License.

584-070-0310 – Limited Student Service License.

584-080-0031 – Distinguished Administrator License.

584-080-0153 – Restricted Transitional Administrator License.

584-080-0161 – Exceptional Administrator License.

584-080-0171 – Emergency Administrator License.

REPEAL: 584-036-0081 – Conditional Assignment Permits.

584-042-0002 – Definitions (CTE).

584-042-0006 – Three-Year Career and Technical Education Teaching License.

585-042-0009 – Adding Career and Technical Education Endorsements.

Rules Coordinator: Victoria Chamberlain

Address: Teacher Standards and Practices Commission, 465 Commercial St. NE, Salem, OR 97301

Telephone: (503) 378-6813

Water Resources Department Chapter 690

Rule Caption: Procedures and standards for administration of the Columbia River Basin Water Development Loan Program.

Date: 9-22-10
Time: 9–10 a.m.
Location: N. Mall Office Bldg.
725 Summer St. NE,
Conference Rm. 124A
Salem, OR

9-29-10
7–8 p.m.
Stafford Hansell Govt. Center
915 SE Columbia,
Doherty Conference Rm.
Hermiston, OR

Hearing Officer: Tom Paul

Stat. Auth.: ORS 536.027 & 541.646

Other Auth.: 2009 OL, Ch. 907

Stats. Implemented:

Proposed Adoptions: 690-095-0010, 690-095-0015, 690-095-0020, 690-095-0025, 690-095-0030, 690-095-0035, 690-095-0040, 690-095-0045, 690-095-0050, 690-095-0055, 690-095-0060, 690-095-0065, 690-095-0070, 690-095-0075, 690-095-0080, 690-095-0085, 690-095-0090, 690-095-0095, 690-095-0100

Last Date for Comment: 9-30-10, 5 p.m.

Summary: HB 3369, enacted into law by the Oregon Legislature in 2009, directs the Oregon Water Resources Commission to adopt rules establishing standards for borrowers obtaining loans issued from the Water Development Fund. In addition, HB 3369 establishes a separate and distinct prices for certain applicants seeking a loan from the Water Development Fund. These applicants include qualified water developers that are not a municipality or a provider of water for municipal purposes and that are applying for a loan to enable the con-

NOTICES OF PROPOSED RULEMAKING

struction of a water development project in the Columbia River Basin. The proposed rules provide procedures and establish standards for administration of a Water Development Loan Program for applicants that are not a municipality or a provider of water for municipal purposes and that are applying for a loan to enable the construction of a water development project in the Columbia River Basin in accordance with HB 3369 (Chapter 907, Oregon Laws 2009).

Rules Coordinator: Ruben Ochoa

Address: Water Resources Department, 725 Summer St. NE, Suite A. Salem, OR 97301

Telephone: (503) 986-0874

ADMINISTRATIVE RULES

Board of Examiners for Speech-Language Pathology and Audiology Chapter 335

Rule Caption: Clarifies qualification for speech-language pathologists supervising assistants and trainees; eliminates related permit and fees.

Adm. Order No.: SPA 1-2010(Temp)

Filed with Sec. of State: 8-11-2010

Certified to be Effective: 8-11-10 thru 2-4-11

Notice Publication Date:

Rules Amended: 335-060-0010, 335-095-0030, 335-095-0040

Rules Suspended: 335-095-0055

Subject: These rule changes clarify and reinforce the requirements that speech language pathologists (SLPs) in Oregon must be licensed by the Board of Examiners for Speech-Language Pathology * Audiology or be exempt from Board licensure as outlined in ORS 681.250(2) to supervise speech-language pathology assistants (SLPAs). The exemption from Board licensure under ORS 681.250(2) does not limit the duties that can be performed by an SLP appropriately licensed by the teacher Standards and Practices Commission (TSPC). However, the Board has statutory authority under ORS 681.360(5) to determine criteria under which this supervision takes place. By making the qualification for supervisors the same for SLPs licensed appropriately by the Board or TSPC, and holding both categories of licensee to the same standards, this statutory objective is met. The permit and permit fee previously required is not necessary.

To supervise SLPA trainees during their clinical practicum, SLPs must hold either Board licensure or their Certificate of Clinical Competency — a national credential issued by the American Speech Language Hearing Association (ASHA). This allows for SLPA applicants to submit valid credentials that are the same whether they complete their practicum in Oregon or another state. This is consistent with emerging national standards for SLPA training and credentialing.

Rules Coordinator: Sandy Leybold—(971) 673-0220

335-060-0010

Fees

In accordance with the provisions of ORS 681.340 and 681.360, the following fees, where applicable, are payable to the Board by check, money order, or electronic payment if available:

(1) All Applicants except those listed in (1)(d):

(a) Application fee shall be \$200, non-refundable.

(b) Delinquent fee shall be \$200.

(c) The Board may provide for waiver of the license or certificate fee where the license or certificate is issued less than 45 days before the date on which it will expire.

(2) Speech-Language Pathologists and Audiologists:

(a) Biennial license fee and renewal thereof shall be \$275.

(b) Biennial inactive license fee and renewal thereof shall be \$50.

(c) Conditional license fee and renewal thereof shall be \$125.

(3) Speech-Language Pathology Assistants:

(a) Biennial certificate fee and renewal thereof shall be \$150.

(b) Biennial inactive certificate fee and renewal thereof shall be \$20.

Stat. Auth.: ORS 681.340, 681.360, 681.420 & 681.460

Stats. Implemented: ORS 681.340(1), 681.360(2)(b) & 681.360(3)(b)

Hist.: SPA 2-1993(Temp), f. 12-8-93, cert. ef. 12-10-93; SPA 1-1994, f. & cert. ef. 6-10-94; SPA 1-2001, f. & cert. ef. 3-12-01; SPA 1-2002(Temp), f. 11-8-02, cert. ef. 12-1-02 thru 5-1-03; SPA 1-2003, f. & cert. ef. 5-7-03; SPA 1-2005, f. & cert. ef. 9-13-05; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11

335-095-0030

Certification of Speech-Language Pathology Assistants

Applicants must submit all of the following to be eligible for certification.

(1) Official transcripts showing 45 quarter hours or 30 semester hours of speech-language pathology technical course work; and

(2) Official transcripts showing 45 quarter hours or 30 semester hours of general education credit, and

(3) Written evidence of 100 clock contact hours of clinical interaction.

(a) Clinical interaction must be face to face interaction with clients and supervised 100% of the time. Activities may include speech and hearing screenings and individual or small group and classroom sessions over a recommended 8-12-week period.

(b) Tasks such as clerical tasks, passive observations, materials preparation and meetings with the supervisor may not be included in the 100 hours.

(c) Clinical interaction documentation must show the date, clinical activity, amount of time and the supervisor's initials and signature. While the practicum student is in training, the supervisor for the clinical interaction must be licensed by Board, or hold the ASHA Certificate of Clinical Competency.

(d) The supervising speech-language pathologist and the applicant will complete the Board's Competency Checklist upon completion of 100 hours. If there is more than one clinical interaction supervisor, each supervisor must complete and sign a Board Competency Checklist.

(e) Applicants presenting transcripts showing practicum course(s) with the required number of clock contact hours of clinical interaction are not required to submit the completed Board Competency Checklist.

Stat. Auth.: ORS 681.360, 681.375, 681.420 & 681.460

Stat. Implemented: ORS 681.360 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 1-2004, f. & cert. ef. 2-6-04; SPA 2-2004, f. & cert. ef. 5-26-04; SPA 3-2006, f. & cert. ef. 5-8-06; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2009, f. 6-9-09, cert. ef. 7-1-09; SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11

335-095-0040

Qualifications for Supervising Speech-Language Pathology Assistants

(1) All supervision of services provided by a speech-language pathology assistant must be performed by a speech-language pathologist licensed by Board under ORS Chapter 681, or exempt from licensure under ORS 681.230(2).

(2) The supervising speech-language pathologist must have at least two years of professional speech-language pathology experience. The clinical post-graduate fellowship year may be counted as one year of professional experience.

(3) The supervising speech-language pathologist must agree to supervise according to Board requirements, as outlined in OAR 335-095-0050.

Stat. Auth.: ORS 681.360, 681.375, 681.420 & 681.460

Stat. Implemented: ORS 681.360 & 681.375

Hist.: SPA 1-2003, f. & cert. ef. 5-7-03; SPA 3-2008, f. & cert. ef. 4-10-08; SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11

335-095-0055

Permit for Supervisors of Speech-language Pathology Assistants in Schools

A speech-language pathologist who does not hold a license under ORS Chapter 681 but instead holds either a basic, initial, standard, or continuing license in speech impaired issued by the Teacher Standards and Practices Commission, may supervise a speech-language pathology assistant working in a school setting if the following conditions are met:

(1) The speech-language pathologist meets the requirements of OAR 335-095-0040.

(2) The speech-language pathologist agrees to supervise according to OAR 335-095-0050.

(3) The speech-language pathologist completes an application prescribed by the Board and pays the required application fee on an annual basis. The permit is set to expire July 31st of each year.

Stat. Auth.: ORS 681.230, 681.360, 681.375, 681.420 & 681.460

Stats. Implemented: ORS 681.360 & 681.375

Hist.: SPA 1-2005, f. & cert. ef. 9-13-05; SPA 3-2006, f. & cert. ef. 5-8-06; SPA 3-2008, f. & cert. ef. 4-10-08; Suspended by SPA 1-2010(Temp), f. & cert. ef. 8-11-10 thru 2-4-11

Board of Massage Therapists Chapter 334

Rule Caption: To include an additional stipend amount specific to the Board Chair.

Adm. Order No.: BMT 2-2010(Temp)

Filed with Sec. of State: 7-23-2010

Certified to be Effective: 7-26-10 thru 1-22-11

Notice Publication Date:

Rules Amended: 334-001-0055

Subject: Due to the extraordinary amount of additional work conducted specifically by the Board Chair, the OBMT has voted to adopt a rule to allow for an additional stipend specific to the Board Chair.

As a semi-independent state agency, the Oregon board of Massage Therapists has had Board discretion over its stipend. In 2009, the

ADMINISTRATIVE RULES

Board added a rule to provide Board members with a \$100 stipend for each month that the member serves on the Board. Due to the extraordinary amount of additional work and increased expectations specific to the Board Chair, the Board has voted to adopt a rule to allow for a stipend of an additional \$375 per month specifically for the Board chair, for each month that the member serves as Chair.

Rules Coordinator: Diana Nott—(503) 365-8657, ext. 1

334-001-0055

Board Member Stipend

(1) The Oregon Board of Massage Therapists hereby adopts a board member stipend of \$100.00 per month for each month a board member serves in their appointment

(2) The Oregon Board of Massage Therapists hereby adopts an additional board chair stipend of \$375.00 per month for each month that a member serves as board chair.

Stat. Auth.: ORS 182.460 & 687.121

Stats. Implemented: ORS 182.460 & 687.121

Hist.: BMT 1-2010, f. & cert. ef. 4-12-10; BMT 2-2010, f. 7-23-10, cert. ef. 7-26-10

Bureau of Labor and Industries Chapter 839

Rule Caption: Amendments based upon comprehensive review of administrative rules for registered apprenticeship programs.

Adm. Order No.: BLI 18-2010

Filed with Sec. of State: 7-29-2010

Certified to be Effective: 8-1-10

Notice Publication Date: 2-1-2010

Rules Adopted: 839-011-0051, 839-011-0141, 839-011-0142, 839-011-0143, 839-011-0401, 839-011-0501, 839-011-0505, 839-011-0510, 839-011-0515, 839-011-0520, 839-011-0525, 839-011-0530, 839-011-0535, 839-011-0540, 839-011-0545, 839-011-0550, 839-011-0555, 839-011-0560, 839-011-0565

Rules Amended: 839-011-0000, 839-011-0010, 839-011-0015, 839-011-0020, 839-011-0030, 839-011-0040, 839-011-0050, 839-011-0060, 839-011-0070, 839-011-0072, 839-011-0073, 839-011-0074, 839-011-0078, 839-011-0082, 839-011-0084, 839-011-0088, 839-011-0093, 839-011-0140, 839-011-0145, 839-011-0162, 839-011-0170, 839-011-0175, 839-011-0200, 839-011-0250, 839-011-0260, 839-011-0265, 839-011-0270, 839-011-0280, 839-011-0290, 839-011-0310, 839-011-0320, 839-011-0334

Rules Repealed: 839-011-0025, 839-011-0086, 839-011-0095, 839-011-0160, 839-011-0330, 839-011-0332, 839-011-0340, 839-011-0350, 839-011-0360, 839-011-0370, 839-011-0380, 839-011-0460, 839-011-0470

Rules Ren. & Amend: 839-011-0420 to 839-011-0402, 839-011-0400 to 839-011-0403, 839-011-0440 to 839-011-0404, 839-011-0430 to 839-011-0405, 839-011-0480 to 839-011-0406, 839-011-0410 to 839-011-0407, 839-011-0450 to 839-011-0408

Subject: The rule adoptions, amendments and renumberings are a result of a comprehensive review by the Oregon State Apprenticeship and Training Council of the rules governing apprenticeship pursuant to the recommendations of the Council's Rules and Policy Task Force. The rule amendments also implement statutory changes resulting from the enactment into law of SB 416 following the 2007 Legislative Session. In addition to housekeeping and plain language changes, the rule amendments reflect current investigative subpoena requirements, public records requests requirements, changes in compliance review administration and changes to licensing procedures.

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

839-011-0000

Notice of Proposed Rule

Before the permanent adoption, amendment, or repeal of any rule, the Oregon State Apprenticeship and Training Council (hereinafter, Council) will give notice of the proposed adoption, amendment or repeal:

(1) In the Secretary of State's Bulletin, referred to in ORS 183.360 at least 21 calendar days before the rule's effective date.

(2) To persons on the Bureau of Labor and Industries (hereinafter, Bureau) mailing and e-mail lists established pursuant to ORS 183.335(8) at

least 28 calendar days before the rule's effective date.

(3) To the Legislature, by mailing a copy of the notice to the legislators specified in ORS 183.335(15) at least 49 days before the effective date of the rule

(4) To the general public, by posting the notice on the Bureau's web-site.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 183.335(7) & 183.360

Hist.: BL 187, f. & cert. ef. 2-19-76; BL 4-1985, f. & ef. 8-8-85, Renumbered from 839-011-0117; BL 1-1991, f. & cert. ef. 1-23-91; BL 3-1994, f. & cert. ef. 6-3-94; BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0010

Model Rules of Practice and Procedure

The Council adopts the Attorney General's Uniform and Model Rules of Procedure as the Council's rules of administrative procedure except as otherwise required by statute or the administrative rules or procedures of the Council.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Bureau of Labor and Industries.]

Stat. Auth.: ORS 344.745(1) & 660.120(1)

Stats. Implemented: ORS 183.341

Hist.: BL 121(Temp), f. & ef. 3-24-72; BL 127, f. 7-27-72, ef. 8-15-72; BL 130, f. 10-5-72, ef. 10-15-72; BL 163(Temp), f. 6-19-74, ef. 6-19-74; BL 167, f. 9-20-74, ef. 10-11-74; BL 188, f. & ef. 4-7-76; BL 1-1979, f. & ef. 1-23-79; BL 11-1982, f. & ef. 7-20-82; BL 4-1985, f. & ef. 8-8-85, Renumbered from 839-011-0118; BL 13-1988, f. & cert. ef. 7-1-88; BL 1-1991, f. & cert. ef. 1-23-91; BL 7-1993, f. & cert. ef. 7-12-93; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0015

Rules of Order

The Council adopts Roberts Rules of Order for the conduct of meetings; provided, however, that specific Administrative Rules of the Council will take precedence over Roberts Rules of Order.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120

Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0020

Date and Location of Council Meetings

The Council will hold at least four regular public meetings each year as required by ORS 660.120(2)(g). The date of the next regular Council meeting will be designated by the Chair and announced at each Council meeting. Meetings may be scheduled at any location within the state of Oregon selected by the Chair.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(2)(g)

Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0030

Preparation of Council Agenda

(1) All matters to be included on the agenda must be submitted in writing to the office of the Director by 5:00 p.m. at least 45 calendar days before the date of the next Council meeting. If the 45th calendar day before the next Council meeting falls on either a weekend or holiday, the items for the agenda must be submitted to the Director on the last business day before the 45th calendar day.

(2) Late submissions for inclusion on the agenda that do not request the Council to approve, modify or revoke standards, committees or programs may be considered by the Council if a majority of the members agree.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(1)

Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0040

Participation by the Public

The Council encourages public participation at all meetings. Individuals who wish to address the Council are required to sign up to speak at meetings. Individuals who fail to sign up may address the Council at the discretion of the Chair, pursuant to Roberts Rules of Order.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120

Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0050

Certificate of Meritorious Service

The Council may grant a certificate of meritorious service to individuals who have devoted a minimum of three years to the service of registered

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apprenticeship based on either:

- (1) The recommendations of joint committees; or
- (2) The motion of a Council member.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120

Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0051

Delegation of Authority by Council

(1) The Chair and Director, with the approval of the Chair, may act on behalf of the Council in all cases where immediate action is deemed necessary by the Chair and Director. All such actions shall be placed on the agenda for the next regular Council meeting for Council approval or ratification.

(2) All matters pertaining to the approval or deregistration of apprenticeship committees, standards, training agents or apprentices must be ratified by the Council at its next meeting.

(3) Any standards referred back to local committees by the Council for revision may be approved by the Director when revised according to Council action.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.210, 660.170

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0060

Public Records Request

(1) The Bureau will make available any record requested by any person pursuant to ORS 192.420, provided that the request is in writing and the record requested is not exempt from disclosure under the provisions of ORS chapter 192, other applicable law. A reasonable time shall be allowed for the Bureau to locate and retrieve information requested.

(2) The Bureau may charge a fee reasonably calculated to reimburse the Bureau for costs of providing and conveying copies of public records. When the fee is estimated to exceed \$25.00 per public records request, the Bureau will provide the requestor with written notice of the estimated amount of the fee and require written confirmation that the requestor intends to proceed with the request.

(3) As used in these rules:

(a) "Page" refers to paper either 8.5 x 11 inches or 8.5 x 14 inches. Staff will not reduce size or otherwise manipulate records to fit additional records on a page, unless staff concludes that it will be the most effective use of their time. A double-sided copy consists of two pages. Because of the increased staff time involved in double-sided copying, there is no reduction in the per page fee.

(b) "Normal and reasonable" staff time is 10 minutes or less per request.

(4) Unless otherwise specified in OAR division 839, the Bureau will charge a minimum fee of \$5.00 per request for records located in the Bureau's office facilities or \$15.00 per request for records located offsite, plus \$.20 per page, as reimbursement for requests requiring normal and reasonable staff time.

(5) If the time required exceeds normal and reasonable staff time, the actual costs of staff or supervisory time necessary for locating, reviewing, separating, photocopying, certifying and preparing records for mailing or other delivery will be charged for each hour or fraction thereof as follows:

(a) Supervisor/Administrator — \$39.00 per hour;

(b) Investigator/Compliance Specialist/Consultant — \$32.00 per hour;

(c) Clerical — \$23.00 per hour.

(6) In addition to staff time, the Bureau will charge for supplies and use of equipment for producing records as follows:

(a) Twenty cents per page for photocopies;

(b) Actual cost for postage or other delivery costs;

(c) Fifty cents per page for copies by facsimile (fax) machine with a limit of 20 pages.

(7) The Bureau will charge \$41.00 per hour, with a \$12.00 minimum, for public record requests that require electronic reproduction. Charges include, but are not limited to, staff time spent locating, downloading, formatting, copying and transferring records to media, and any charges by a third party vendor.

(8) The Bureau will provide blank reproduction media at the following rates:

(a) Diskettes, 3.5 inch, \$1.00 each. (Due to the possibility of computer viruses, the Bureau will not permit requesters to provide diskettes;

(b) Video Cassettes, two hours, \$3.00 each;

(c) Audio Cassettes, \$2.00 each;

(d) Compact disks, 1.5 hours: \$1.50 (Due to the possibility of com-

puter viruses, the Bureau will not permit requesters to provide compact disks.).

(9) The costs of any necessary Attorney General review of requested public records will be charged to the requester at the rate billed by the Department of Justice to the Bureau.

(10) The Bureau may require that all fees assessed pursuant to this rule be paid in cash, in correct change, prior to furnishing any copies, material, or information.

(11) Where a request is made to inspect records, the Bureau may impose restrictions regarding the location where the information requested will be made available for inspection. Where the Bureau allows the person requesting the information to search or inspect Bureau records, the Bureau may, as it deems necessary for the protection of the records, assign an employee to supervise the search. The charge for this service will be in accordance with section (5) of this rule.

(12) The Bureau may enter into agreements to provide routine, periodic reports in a consistent format for a negotiated price.

(13) The commissioner may waive the requirements to pay the charges described in this rule, or any part thereof after determining that the waiver is in the public interest and primarily benefits the general public. In determining whether sufficient public interest is demonstrated, relevant factors include:

(a) The requester's identity;

(b) The intended use of the information;

(c) The character of the information;

(d) Whether the requested information is already in the public domain;

(e) Whether the requester can demonstrate the ability to disseminate the information to the public; and

(f) The requestor's inability to pay, although this alone is not a sufficient basis to waive a fee.

Stat. Auth.: ORS 344.745(1) & 660.120(1)

Stats. Implemented: ORS 344.745

Hist.: BL 4-1985, f. & ef. 8-8-85; BL 1-1991, f. & cert. ef. 1-23-91; BL 7-1993, f. & cert. ef. 7-12-93; BL 6-1994, f. & cert. ef. 10-10-94; BL 7-1996, f. & cert. ef. 7-22-96; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0070

Definitions

(1) "Division" means the Apprenticeship and Training Division of the Bureau.

(2) "Employee" means any person employed or active in an applicable trade.

(3) "Local Committee" means any registered joint or trades apprenticeship or training committee approved by the Council.

(4) "State minimum guideline standards" means industry/trade benchmarks developed by a Council approved state committee and approved by the Council that represent the fundamental requirements necessary for entry into and completion of specific Council approved apprenticeship or training programs.

(5) "Registered program" means a local committee approved by the Council to operate an apprenticeship or training program in a specific occupation.

(6) "Registration of an Agreement" means the acceptance and recording of an apprentice or trainee agreement by the Division on behalf of the Council. Registration is evidence of the participation of the apprentice or trainee in a registered program.

(7) "Standards" means a written agreement submitted by a local committee and approved by the Council, which sets forth a plan containing all terms and conditions for the qualification, employment and training of apprentices or trainees as set forth in ORS 660.126 and 660.137.

(8) "Trainee" means any individual registered to a registered training program. For the purposes of these rules, all apprentice requirements apply to trainees unless otherwise noted.

(9) "Training agent" means an employer approved by a local committee to train apprentices and registered with the Division.

(10) "Training program" means any registered program of 2,000 on-the-job training hours or less. For the purposes of these rules, all apprenticeship requirements apply to training programs unless otherwise noted.

(11) "Traveling Training Agent" is an approved training agent working outside the geographic area where its primary place of business is located and registered by the Division.

(12) "Journey Person" or "Journey Worker" is a fully skilled practitioner who can work independently in a given trade or occupation. Generally, a skilled crafts person has a minimum of four years of verifiable trade-specific experience or has completed a state certified apprenticeship program in the applicable trade and holds a license where required.

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Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.120(1)
Hist.: BL 6-1985, f. & ef. 10-15-85; BL 7-1991, f. & cert. ef. 8-15-91 (and corrected 2-3-92);
BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0072

Formation of Joint Committees

(1) Any person or group interested in forming a local joint committee may give written notice to the Division. Local committees in building and construction trades occupations may only be approved as group programs serving multiple employers.

(2) The interested party or group shall establish a date for an organizational meeting and provide the Division with written notice of the date, time and location of the meeting at least 5 (five) working days in advance of the meeting. Division staff may attend organizational meetings in an informational role.

(3) At the organizational meeting participants, excluding staff, will:

(a) Adopt Roberts Rules of Order;

(b) Specify the committee name, its geographical jurisdiction, and the occupation(s) for which it will train;

(c) Select committee members nominees and submit their names to the Council pursuant to OAR 839-011-0074;

(d) Elect a chair and a secretary and secretary as committee officers, pursuant to OAR 839-011-0074(8).

(4) Local committees and training agents shall be responsible for the administrative cost and expenses associated with the operation of their programs. No committee or training agent shall charge or cause charges to be levied against an apprentice for purposes of financially supporting the administrative, clerical or organizational cost of operating a registered program. Apprentices may be required to pay the normal cost of tuition and related training materials.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(2)(c), 660.135(1), (2), (3), (4) & (5)

Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0073

Committee Policies and Procedures

(1) All local committees shall develop and administer operating policies and procedures to govern program operations as directed by the Council and administer such policies and procedures in a consistent manner. Policies and procedures will be approved by the committee and recorded in the meeting minutes.

(2) When adopted or revised, these policies and procedures will be submitted to the local committee's assigned Apprenticeship Representative who will review and approve the policies and procedures if they are in conformity with apprenticeship laws, rules and Council guidelines.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.137(2)

Hist.: BL 8-1992, f. & cert. ef. 6-15-92; BL 1-1995, f. & cert. ef. 8-14-95; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0074

Committee Member Selection, JATC/JAC, TATC/TAC

(1) Committees shall consist of an equal number of employer and employee representatives.

(a) Representatives of employers, or an employer organization representing the industry, shall submit nominations for employer committee members.

(b) Individuals representing the journey level workforce for the occupation, or an employee organization that represents the concerned employees and is involved with the occupation, shall submit nominations for employee committee members. For the purposes of these rules, an individual is eligible to serve as an employee representative for the occupation only if that individual:

(A) Is or has been a skilled practitioner in the occupation; or

(B) Is a bargaining unit representative for the employees of a participating training agent; and

(C) Does not serve in a supervisory capacity as defined in the National Labor Relations Act (as amended).

(2) Joint apprenticeship or training committees (JATC/JAC/JTC) shall consist of not less than two or more than four principal employer representatives and not less than two or more than four principal employee representatives.

(3) Trade apprenticeship or training committees (TATC/TAC/TTC) shall consist of one principal employer representative and one principal employee representative for each approved standard of the committee.

(4) State minimum guideline committees shall consist of one principal employer and one principal employee representative from each local committee training in the occupation pursuant to the appointment procedures in OAR 839-011-0141.

(5) Committees may nominate one alternate member for each principal committee member and the alternate shall be selected according to the nominations procedures for principal committee members set forth in this rule. Alternates shall serve in the absence of principal members consistent with ORS 660.135(2).

(6) The Director shall list the names of the nominees on the next Council agenda. After consideration of whether the appointments provide a balanced representation of the viewpoints of employer and employee groups, the Council will approve the nominations.

(a) The Council may request the names of additional nominees if it does not approve any of the nominees.

(b) If either employers or employees cannot or will not recommend nominees for the committee, the Apprenticeship Representative for the area may recommend individuals involved with the occupation, and forward the name of the individual(s) to the Director. The Director will evaluate the individual(s), and if appropriate, provide interim approval pending submittal of the names of the individual(s) to the Council for approval according to the procedures of section (1) of this rule.

(7) When a vacancy occurs on a committee, it shall be filled according to the member nomination procedures set forth in this rule.

(8) Each committee shall elect a chairperson and a secretary from committee members. One of the offices must be held by an employer member and one office must be held by an employee member.

(a) The officers shall serve for no less than one year and no more than two years without an election unless the committee has adopted policies and procedures establishing the duration of officers' terms.

(b) In the event of a vacancy in an office, the respective employer or employee members shall elect from their representation a replacement to serve the unfilled term of office consistent with ORS 660.

(9) No Division staff may be elected or appointed to any position within a committee.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.145

Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0078

Removal of Committee Members

(1) The Council will remove committee members only for inactivity, inadequate activity, or failure to abide by ORS Chapter 660, or the rules and policies of the Council, pursuant to ORS 660.120(2)(d).

(2) The Council may also remove committee members upon the recommendation of the committee as set forth in section (3) of this rule. Each committee will establish its own written policy regarding the removal of committee members.

(3) Committee(s) may recommend removal of a member and note such action in the committee meeting minutes, subject to the following conditions:

(a) Only employer committee members may recommend and vote for removal of an employer member;

(b) Only employee committee members may recommend and vote for removal of an employee committee member;

(c) If the committee is a trade committee, only employer committee members may recommend and vote for removal of an employer member from another occupation within the committee, while only employee committee members may recommend and vote for removal of an employee member from another occupation within the committee.

(4) The Director shall include such recommendations as recorded in committee meeting minutes on the Council Agenda.

(5) Notwithstanding OAR 839-011-0074, the Council may appoint a replacement committee member at the same meeting at which it removes a member.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(2)(d)

Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0082

Dissolving Committees

(1) The Council will dissolve committees for inactivity, inadequate activity, or failure to abide by ORS Chapter 660 or the rules and policies of the Council pursuant to ORS 660.120(2)(d), or if the committee has informed the Director or the Council that it will no longer perform its duties.

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(2) On behalf of the Council, the Director shall, to the extent practical, secure the formation of a new committee where a previously approved committee failed to carry out an effective program.

(3) A committee shall be subject to deregistration if it has had no apprentices registered for two years or more, has not had at least two quorum meetings in a twelve month period, has failed to administer to the needs of the apprentices or the industry concerned or if so otherwise deemed appropriate by the Council.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(d)

Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0084

Approval of New Committees and Standards

(1) Additional committees or standards in an area already served by an existing committee in the same trade, craft or occupation shall be established in the same manner as any other local committee.

(2) All employers and their qualified employees shall be afforded the opportunity to participate, on a non-discriminatory basis, in existing programs.

(3) The Council will approve the creation of a new local committee or new standards for an existing committee only if the applicant for the new program or new standards can first demonstrate to the Council, by a preponderance of evidence, that the application is in conformity with the following requirements:

(a) The applicant shall submit documentation showing committee composition pursuant to ORS 660.135, .145.

(b) The applicant shall submit standards in a format approved by the Council that meet or exceed any existing statewide minimum guideline standards for the occupation. Where no state guideline standards exist, proposed standards shall meet or exceed national guideline standards approved by the federal Office of Apprenticeship. Where no state or national guideline standards exist, standards will be approved at the discretion of the Council when the proposed occupation is clearly identified and commonly recognized throughout an industry.

(c) The applicant shall submit an administration plan that includes:

(A) Written designation of the program administrator;

(B) Documented assurances that the committee will be adequately funded to support its administration and the presentation of related instruction;

(C) A written statement that details all costs to apprentices (including instruction, books, tuition); and

(D) Assurances that training agents and prospective training agents will be provided with a written statement of costs for program participation.

(d) The applicant must demonstrate the ability to track required on-the-job training, related and supplemental training and affirmative action information (i.e., work progress reports, apprentice/trainee rotation system, employer's apprentice/trainee evaluation forms, grading sheets, applicant logs) and provide the Council with copies of the forms and documents that will be used to track such information.

(e) The applicant shall submit a plan detailing how the committee will ensure that participating employers will provide work in all areas covered by the program standards (ORS 660.137(5)), including:

(A) Training in all counties listed in proposed geographical area;

(B) Training in all work processes set forth in the standards;

(C) Committee expectations of supervising journey workers and a plan for the supervision of apprentices/trainees in the ratio set forth in the standards (ORS 660.126(1)(c), (f));

(D) Training agent qualifications and duties (ORS 660.137(5)); and

(E) A plan for training participating employers on their duties and responsibilities.

(f) The applicant shall submit a complete related training curriculum, including instructor qualifications, class outlines and expected competencies, grading procedures and completion criteria. This submission shall include:

(A) An explanation of the curriculum delivery method and a description of the related training facilities;

(B) Certification of the curriculum and instructional delivery plan by either a state education certifying authority or nationally recognized industry association (ORS 660.137(2)(c), .126(1)(j), .157); and

(C) Assurances that classroom and related instruction can be delivered throughout the geographic area. The applicant must submit a contract or other documentation demonstrating that actual instructional resources are in place. The committee's geographic area must be one that can be reasonably served by the committee with respect to employers and the location of

the related training services (ORS 660.126(1)(a)).

(g) The applicant must submit operating policies and procedures and assurances that the program will be operated in accordance with the same; and

(h) The applicant shall submit a plan to recruit, evaluate and select apprentice/trainee applicants, including an application form that meets Council requirements.

(4) All objections to the approval of a new committee or new standards shall be submitted to the Council in writing at the meeting where the application is being considered for approval, specifically detailing any objections to the application. Council may rule on the application and objections thereto at that time or grant the applicant 30 days after the Council meeting to submit a written rebuttal to the objections to the Director. Council shall direct the Director to investigate and evaluate the objections and rebuttal and to provide a report to Council within 45 days of receipt of the rebuttal statement. At the next Council meeting after the initial submission, Council shall either approve or deny the application and provide a specific written explanation for its actions.

(5) All new programs shall serve a probationary period of three years after Council approval. Failure to clearly demonstrate the ability to operate a satisfactory program during the probationary period, based upon periodic program reviews conducted by the Division, shall result in cancellation of the program by Council.

(6) Compliance reviews will be conducted during the probationary period pursuant to OAR 839-011-0145 unless the Council directs the Division to conduct reviews more frequently. Should the Council find operating deficiencies in the course of any such review, the program shall immediately take action to correct the deficiencies and submit a report to the Council explaining corrective measures taken within 90 days of the Council initial finding of deficiencies. If the committee has not corrected the deficiencies within the 90 day period, the Council shall dissolve the program at the next scheduled Council meeting.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.135(1)

Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 16-2005(Temp), f. & cert. ef. 8-23-05 thru 2-19-06; Administrative correction 3-20-06; BLI 16-2006, f. 4-17-06, cert. ef. 4-18-06; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0088

Registration of Apprenticeship Agreements

(1) The Council delegates registration of apprenticeship agreements to the Division and recognizes an agreement as registered when:

(a) It is on a form that has been approved pursuant to ORS 660.020 and issued by the Division;

(b) Information requested on the form as authorized by ORS 660.020 has been supplied by the apprentice. The requested information includes, but is not limited to the apprentice's Social Security Number for identification purposes;

(c) It has been signed by the apprentice and the local joint committee. Approval must be recorded as soon as possible at a committee meeting; and

(d) The agreement has been submitted to and received by a representative of the Division.

(2) The effective starting date of an apprenticeship in non-licensed trades shall be not more than ninety (90) days prior to the date that a fully executed agreement is submitted to and received by a representative of the Division. In the licensed trades, the effective starting date of an apprenticeship shall not commence before a fully executed apprenticeship agreement is received by a representative of the Division, unless the committee has written authorization from the Division to issue an initial license and operates in accordance with the conditions of authorization.

(3) Local committees shall develop and implement a policy and procedures detailing the process for evaluating previous experience in a uniform manner and awarding advanced standing to new apprentices for on-the-job or related training.

(a) The committee may grant credit for prior experience for any time previously spent by the apprentice in the trade or occupation that the committee considers applicable to the work processes in the program standards.

(b) In licensed trades only lawfully obtained and documented experience that specifically applies to an Oregon license may be considered in granting credit for prior experience.

(4) All apprenticeship agreements will be maintained in the Division's main office.

Stat. Auth.: ORS 660.120(1) & 660.020

Stats. Implemented: ORS 329.965 & 660.060(8)

Hist.: BL 6-1985, f. & ef. 10-15-85; BL 1-1991, f. & cert. ef. 1-23-91; BL 7-1996, f. & cert. ef. 7-22-96; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

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839-011-0093

Disciplinary Procedure

(1) The Council shall establish a disciplinary procedure, to be applied before any disciplinary action toward a committee is taken, consisting of but not limited to:

(a) A request to appear before Council to present information and answer questions from the Council; and

(b) A written notice of Council's decision in the matter.

(2) Where committee violations are found by the Council after a review of all relevant facts, including the opportunity for the committee to make a presentation before the Council, the Council may vote to:

(a) Censure the committee;

(b) Place the committee on probation for a specific period of time;

(c) Order specific actions to correct the violations;

(d) Impose sanctions pursuant to existing Council policies and interpretations; or

(e) Deregister the committee.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.120(1) & 660.120(2)(d)

Hist.: BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0140

Approval and Dissolution of Standards

(1) A local committee must submit new standards or revisions to previously approved standards, together with executed signature sheets and committee minutes to the Director at least 45 calendar days before the date of the next Council meeting pursuant to OAR 839-011-0030.

(2) Proposed standards and revisions must be in a form and format approved by Council that includes all elements specified in ORS 660.126. The Council may require additional information of committees pursuant to OAR 839-011-0084, including program administration and training plans.

(3) Standards in a form or format other than that approved by the Council may be accepted when they are part of the federal Office of Apprenticeship approved national pattern standards and are consistent with federal Office of Apprenticeship regulations and guidelines, these rules and Council policies.

(4) With Council approval, local committees may charge applicants a reasonable non-refundable application fee. Such fees shall be stated in the standards as a minimum qualification for entry into the program. Committees shall be required to:

(a) Incorporate the payment of a non-refundable application fee into the minimum qualifications of the committee's standards. The standards shall also reflect that applicants with an income below 150% of the federal poverty guidelines may apply for a non-refundable application fee waiver. Federal poverty guidelines are established by the Federal Department of Health and Human Services and are recognized by the Oregon Adult and Family Services Division;

(b) Show that the non-refundable application fee results in no disparate impact and report annually to the Council whether disparate impact has been determined to result from the fees charged; and

(c) Show that the local committee experiences an extraordinary burden with respect to the administration of applications, i.e., beyond the ordinary course of conducting such procedures. Examples of an extraordinary burden are, but not limited to, development of specific entrance examinations, validation studies and extensive testing or interview procedures.

(5) Revised standards will supersede the committee's previous standards covering the same occupation.

(6) The Division will report any standards that apprentices have not been active in for two or more years to the Council for dissolution due to inactivity. Thereafter, new standards must be approved prior to registration of any new apprentices.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.120(2)(b), 660.126 & 660.137

Hist.: BL 95, f. 8-16-65; BL 130, f. 10-5-72, ef. 10-15-72; BL 3-1978, f. & ef. 4-3-78; BL 13-1988, f. & cert. ef. 7-1-88; BL 1-1991, f. & cert. ef. 1-23-91; BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0141

Minimum Guideline Standards

The Council may approve minimum guideline standards for occupations it deems necessary.

(1) At its discretion, or upon petition by two or more local committees directly affected by minimum guideline standards, the Council will direct the Division to convene a state committee composed of members of local committees training in the occupation. Division staff will organize the meeting time and location, and contact all appropriate local committees.

(a) Each local joint committee training in the occupation may appoint

no more than one employer and one employee representative (with alternates) to the state committee pursuant to OAR 839-011-0074. Notification of this action must be submitted to the Division in writing annually. Appointments will be valid only after written notice of the names of the appointees is received by the Division at least one (1) day before a scheduled state guideline committee meeting.

(b) The employer and employee members of local trades committees (and alternates) shall represent their respective occupations on the state committee pursuant to ORS 660.155(2).

(c) Only properly appointed representatives to the state guideline committee will be permitted to vote on issues before the State Guideline Committee.

(d) A quorum shall consist of 50% plus one of the total appointed local joint committee representatives; local trade committee representatives will be counted only if they are present at the state committee meeting. A quorum of the total appointed local committee representatives constituted pursuant to this rule may revise the quorum requirement for future state committee meetings, pending review and approval by the Council.

(e) Each state committee may adopt policies and procedures consistent with ORS 660 as it deems necessary for the orderly conduct of its meetings.

(2) The state committee will develop or revise minimum guideline standards in accordance with the needs of the industry and occupation. This committee shall establish minimum guidelines in the following standards areas:

(a) Minimum qualifications;

(b) Hours of employment;

(c) Maximum probationary period;

(d) Maximum ratio of apprentices to journey level workers;

(e) Minimum work processes and approximate hours; and

(f) Minimum related/supplemental instruction.

(3) New or revised minimum guideline standards shall be distributed to all local committees training in the occupation for review and comment prior to submission to the Council.

(a) Each local committee shall have not more than 30 days to present any written objections. This information shall be referred to the state committee for review.

(b) The state committee shall then prepare its final recommendations to the Council.

(c) If consensus is not reached by the state committee, a majority and minority report will be submitted to the Council for consideration.

(d) When majority and minority reports are submitted, the Council will take into consideration the geographic area covered by each participating committee as well as the number of apprentices served and the number of training agents affected.

(4) Total on-the-job training hours for a local committee may not fluctuate below the requirements dictated by minimum guideline standards. The variations must be within statutory limits governing the licensed occupations.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.120(2)(a)

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0142

Apprentice/Trainee Qualifications

(1) The Council shall evaluate proposed qualification standards or selection methods pursuant to the criteria set forth in Title 29 CFR Part 30, the Equal Employment Opportunity in Apprenticeship Plan noted in OAR 839-011-0200, the objectives expressed by the committee and/or sponsor, and such other factors as the Council may deem appropriate. Evaluation of proposed qualification standards or selection methods shall include an analysis of whether they would result in an adverse impact upon any protected class of applicants.

(2) The Council shall not consider proposed standards that contain any of the following requirements within their minimum qualifications:

(a) Physical ability to do the job, unless it specifically references a validated occupational requirement, such as lifting a sack of cement to a specified height;

(b) Any tests (including color tests) that do not meet the validity requirements under 41 CFR 60.3;

(c) A valid driver's license; or

(d) A medical exam.

(3) Standards submitted containing any of these requirements will not be placed on the Council agenda.

(4) The minimum qualifications section of the standards may include a note advising applicants that employers may require apprentices to meet

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additional lawful conditions of employment. These must be identified by employers and specified in the standards.

Stat. Auth.: ORS 660.120(1)
Stats. Implemented: ORS 660.120(2)(a)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0143

Ratio

(1) Registered apprentices shall only work for training agents registered to the same committee as the apprentice and must be supervised by journey workers in the same trade or occupation, except as provided in sections (5) and (6) below and employed by the same training agent employing the apprentice.

(2) The apprentice to journey level worker ratio for any registered program approved by the Council shall be clearly set forth in the standards for the given occupation and must be specific as to application in terms of job-site, workforce, department or plant.

(3) The maximum ratio of apprentices to journey level workers for an occupation covered by a state committee will be developed as part of the minimum guideline standards for the occupation. Requests for a less restrictive ratio from local committees will be referred to the state committee for evaluation of minimum guideline ratio.

(4) For occupations where a minimum guideline standard is not in place, local committees are expected to meet the following apprentice to journey level ratios:

(a) Construction trades: 1:1,1:3

(b) Industrial trades and fixed-site facilities: 1:1,1:2

(c) Other trades (non-traditional and new and emerging occupations): 1:1,1:1

(d) Committees wishing a less restrictive ratio must submit a request to the Council for consideration, along with information including but not limited to:

(A) Specific workforce demographics justifying a different ratio;

(B) Plan to monitor effects of ratio on the safety and continuity of employment for apprentices; and

(C) Comparison of completion rate to statewide average for occupation.

(5) In licensed trades, an apprentice must be supervised by a journey level worker holding the same or a higher license classification than the apprentice unless the Council has approved state guideline standards permitting a lower level of journey worker supervision.

(6) Electrical power line installers and repairers and linemen apprentices may work for training agents registered to other local joint committees in order to ensure that all work processes are fulfilled, pursuant to a written agreement between the apprentice, the local committees and both training agents.

(7) In limited situations, the Council may grant a training agent a short-term waiver of the established ratio for a given program, upon demonstration of extreme need. In no event shall an apprentice work without qualified journey worker supervision. Ratio waivers of less than 90 days must be requested by the committee on behalf of a training agent. Local committees are not authorized to grant temporary waivers to training agents. A temporary waiver of ratio may be granted under the following circumstances:

(a) Serious injury or illness of the journey person, where the journey person is expected to return to work in 90 days or less; or

(b) The sudden departure of a journey person from employment with the training agent for causes not attributable to the training agent. The employer is expected to replace the departing journey person within a reasonable amount of time and in no event shall this amount of time exceed ninety (90) days. The training agent must document its efforts to replace journey level workers which may include, but shall not be limited to:

(A) Copies of job orders;

(B) Classified advertising placed, including a posting of the journey wage rate offered; and

(C) Job orders placed with the Oregon Employment Division.

(8) The lack of available qualified or licensed journey persons shall not be a valid reason for granting a temporary ratio waiver.

(9) The Council may authorize the Director to grant or deny waivers as set forth above on an interim basis. Such action taken by the Director must be submitted to the Council for ratification at its next meeting after interim approval or denial has been made.

Stat. Auth.: ORS 660.120
Stats. Implemented: ORS 660.120(2), 660.126(1)(f)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0145

Compliance Reviews

(1) All committees are subject to periodic reviews of program operation and affirmative action activities.

(2) The Division shall develop and maintain a review schedule that identifies programs scheduled for review, the type of review to be conducted and the time period to be evaluated.

(3) The Program Operation Compliance Review will evaluate program operation and administration.

(a) New committees will receive a Program Operation Compliance Review annually for the first three years of operation, unless otherwise directed by the Council.

(b) After the first three (3) years, committees found in compliance will receive a Program Operation Compliance Review every three (3) years. Committees maintaining a completion rate of at least 70% for all standards during the three (3) previous consecutive years will receive a Program Operation Compliance Review every five (5) years.

(4) The Affirmative Action Compliance Review will evaluate outreach, recruitment, and selection activities.

(a) Committees with five or more apprentices registered to a single standard during the previous three years will receive an annual Affirmative Action Compliance Review.

(b) Training agents who select their own apprentices in accordance with the committee's approved selection procedure will receive a separate annual Affirmative Action Compliance Review.

(5) Additional reviews may be scheduled if

(a) The Director has a reasonable belief that such reviews are prudent and in the best interest of apprenticeship;

(b) Complaints have been received that the program is not operating in compliance; or

(c) At the Council's direction.

(6) Committees found out of compliance will be required to appear at the next meeting of the appropriate Council subcommittee.

(7) All reviews shall be reported on a form and in a format approved by the Council. Upon review of compliance reports, the Council shall take action including but not limited to the following:

(a) Approve the report;

(b) Refer the report back for further clarification;

(c) Extend the review period for up to six (6) months;

(d) Order a probationary period including more frequent and detailed program reviews;

(e) Direct compliance and/or corrective action accordingly;

(f) Impose sanctions;

(g) Deregister the committee and/or standards for non-compliance; or

(h) Any other action as directed by the Council.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.120(2)(a) & 660.120(2)(f)

Hist.: BL 16-1979, f. & ef. 11-8-79; BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0162

Training Agent Approval

(1) The Division will register training agents upon receipt of committee minutes showing approval of specific employers as training agents and a fully executed training agent registration agreement for each employer.

(2) No employer shall be required to join an industry or trade association as a condition of approval as a training agent.

(3) Where two or more programs of the same occupation exist in the same geographical area an employer may not serve as an approved training agent for more than one such program at a time.

(a) In the event an employer has been approved as a training agent by two or more such programs, the Division shall notify the employer and the appropriate committees of this rule and require that the employer respond within twenty (20) working days of receipt of the notice, designating the program in which the employer chooses to continue and resigning from all others. Such notice shall be sent by certified mail, return receipt requested.

(b) An employer who does not respond pursuant to section (3)(a) of this rule, shall be deemed conclusively to have elected to resign as a training agent from all such programs. The Division shall notify the committees serving programs in which the employer had participated that the employer's training agent status has been revoked by operation of this rule.

(4) In limited cases where special conditions exist, the Council may consider an employer's request to participate in multiple programs in the same occupation within the same geographical area:

(a) When an individual construction project has special conditions warranting consideration for multiple training agent status, the employer

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must work with all committees involved to establish a plan that provides for the health, safety, and continuity of employment for all apprentices.

(b) When the committees and employer have reached agreement on a plan that will enhance the training opportunities for all apprentices, they shall jointly submit a written request to the Council outlining their plan and requesting the exemption from section (2) of this rule.

(5) An employer with a principal place of business outside the geographic jurisdiction of a local committee may seek approval to register with that local committee as a traveling training agent. Each such employer must agree to comply with Oregon state, county and municipal laws, rules and ordinances and the rules, policies, procedures and standards of the local committee.

(6) A local committee may approve traveling training agent status for an applicant employer that is a registered training agent with an apprenticeship sponsor or committee outside its geographic jurisdiction if:

(a) The employer is in good standing with its sponsor or home committee;

(b) The employer provides the committee with periodic updates of its good standing status from its sponsor or home committee;

(c) The employer and its sponsor provides the local committee with a plan explaining how the related training of any traveling apprentices will be accomplished;

(d) The employer and its sponsor provide updates to the local committee every six (6) months on the progress status of any traveling apprentices; and

(e) The employer and the local committee must agree on the number of traveling apprentices, directly employed by the traveling training agent, who will be registered through the local committee. The employer and the local committee must agree on the manner in which local apprentices will be utilized by the traveling training agent.

(7) A local committee may approve traveling training agent status for an unregistered employer whose principal place of business is outside of its geographic jurisdiction, but all apprentices dispatched to the traveling training agent must be registered to the local committee.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(1) & 660.137(5)

Hist.: BL 17-1979, f. & ef. 11-8-79; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0170

Committee Minutes Submission and Processing

(1) Meeting requirements:

(a) Local committees shall hold at least two (2) physical meetings each year with a quorum of committee members in attendance to evaluate apprentices and conduct other committee business.

(A) All disciplinary actions require a physical meeting. Electronic polling is prohibited for issues requiring the personal appearance of applicants, apprentices, trainees, training agents or employers.

(B) Committees may vote to take all other actions by facsimile, e-mail or other electronic media if by-laws permitting such voting have been adopted.

(b) State committees should hold at least one (1) physical meeting every three (3) years to review guideline standards. Additional meetings may be called by the state committee chair, at the request of a majority of state committee members or at Council direction. A quorum of members must be physically present at meetings to vote on proposed revisions to guideline standards.

(2) As required in ORS 660.135(3), each committee secretary shall be responsible for the preparation, maintenance and submission to the Division of committee meeting minutes, including actions pertaining to apprentices and all supporting documentation.

(a) All committee meeting minutes shall be submitted in a format approved by the Division within ten (10) working days of the meeting.

(b) All committee actions noted in meeting minutes shall be recorded and processed by the Division within ten (10) working days of receipt of the minutes.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.120(1) & 660.135(4)

Hist.: BL 6-1994, f. & cert. ef. 10-10-94; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0175

Cancellation Notices

All notices to appear for cancellation of apprenticeship agreements must be addressed to the apprentice and postmarked at least twenty-two (22) calendar days in advance of the appearance date for the consideration of the cancellation.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660

Hist.: BL 6-1994, f. & cert. ef. 10-10-94; BL 11-1996, f. & cert. ef. 12-10-96; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0200

Equal Employment Opportunity in Apprenticeship

The Council hereby adopts the "Equal Opportunity in Apprenticeship Plan," effective April 1, 1999 and incorporated by reference as if fully set forth in these rules.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120

Hist.: BL 120, f. 2-16-72, ef. 3-1-72; BL 151(Temp), f. & ef. 12-19-73; BL 159, f. 3-8-74, ef. 4-11-74; BL 168, f. 10-11-74, ef. 11-11-74; BL 9-1978(Temp), f. & ef. 9-15-78; BL 13-1978, f. & ef. 12-8-78; BL 2-1988, f. & cert. ef. 2-19-88; BL 1-1991, f. & cert. ef. 1-23-91; BL 8-1991(Temp), f. 8-15-91, cert. ef. 9-1-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0250

Agreements During Labor Disputes

(1) Pursuant to the National Labor Relations Act and Title 29 CFR Parts 29.3(h) and 29.12(10), when a labor dispute exists with an employer or prospective employer in a single employer program, until such dispute has been resolved or the representative union has tendered a written waiver of its objections to the employer or prospective employer's participation, the Council will not:

(a) Approve changes in existing standards;

(b) Approve new standards;

(c) Register additional apprentices for the employer; or

(d) Review the employer's application for a new committee.

(2) Pursuant to the National Labor Relations Act and Title 29 CFR Parts 29.3(h) and 29.12(10), when a labor dispute exists with an employer or prospective employer in a multi-employer program, until such dispute has been resolved or the representative union has tendered a written waiver of its objections to the employer or prospective employer's participation, the local committee will not:

(a) Provide additional apprentices to the employer or prospective employer engaged in the labor dispute; or

(b) Grant training agent status.

(3) For purposes of this rule, a labor dispute exists for an employer where:

(a) There is a collective bargaining agreement in effect, or where employees have voted for a bargaining agreement; and

(b) There is a strike, lock out or work stoppage.

(4) Apprentices or trainees subject to apprenticeship or training agreements and employed in an establishment involved in a labor dispute where the employees have voted for a bargaining unit and a strike is in progress are not in violation of their agreements if they leave their employment until settlement of the labor dispute.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120

Hist.: BL 7-1986, f. & ef. 7-14-86; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0260

Movement and Training of Apprentices within the Same Occupation

(1) Registered apprentices who are transported to an area outside of the committee's geographic jurisdiction may receive related training with the consultation and agreement of the appropriate local committee in the new area.

(2) Each local committee shall develop and uniformly implement a policy defining its processes and procedures for the immigration of employers and apprentices into its geographical area and jurisdiction including, but not limited to:

(a) The authorization of approved training agents domiciled in other jurisdictions;

(b) The portability of apprentices; and

(c) The hiring priority, if any, of unemployed apprentices within the jurisdiction.

(3) The policies of each committee shall be reviewed and approved by Division staff on behalf of the Council.

(4) In the event that a policy is not approved by the Division, it shall be referred to the Council's Rules and Policy Subcommittee for review and action.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120

Hist.: BL 7-1986, f. & ef. 7-14-86; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

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839-011-0265

Partial Rotation of Apprentices

(1) All apprentices must obtain work experience for at least 50% of the hours listed for each work process in the committee's approved standards. A committee unable to provide an apprentice with work experience equaling at least 50% of the hours listed in any of the work processes must provide and document additional related training to compensate for the lack of on-the-job training. A written statement, held in the apprentice's files, shall document such compensatory training and shall include, date, time, place, hours and instructor. In no event may distance learning classes be used to compensate for deficiencies in work total process hours.

(2) For licensed occupations, all variations in work processes must be within the statutory limits governing the trade.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120

Hist.: BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0270

Administrative Cancellation or Completion of Apprenticeship Agreements

(1) Whenever a local committee has insufficient members to conduct business, has not met at least once within a six-month period or has been dissolved by Council, the Director may:

(a) Cancel an apprenticeship agreement:

(A) At the apprentice's request; or

(B) For good cause as defined by ORS 660.060(7) or;

(C) In the case of program deregistration, or for lack of training standards.

(b) Complete an apprenticeship agreement when documentation has been submitted to the Director demonstrating that the apprentice has complied with the required standards established by the committee.

(2) Such action by the Director or the committee shall be taken pursuant to the following procedure:

(a) Notice shall be provided by certified mail to the apprentice, employer, committee, Council and any interested parties before to any action; and

(b) Written notice to the apprentice, employer, committee, Council and any interested parties of the final action taken by the Director.

(3) An apprentice may appeal an administrative cancellation as an order other than a contested case order under ORS 183.484.

Stat. Auth.: ORS 660.120

Stats. Implemented: ORS 660.120(2)(f)

Hist.: BL 7-1986, f. & ef. 7-14-86; BL 1-1991, f. & cert. ef. 1-23-91; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0280

Electrical Apprentices – Indirect Supervision

(1) The Division shall issue electrical apprentice licenses to active apprentices or trainees registered to standards jointly approved by the Council and the Oregon Electrical and Elevator Board. Apprentice license formats shall be jointly agreed to by the Division and the Oregon Building Codes Division.

(2) All electrical apprentices must be directly supervised in accordance with OAR 839-011-0143, unless approved for indirect supervision.

(3) Pursuant to OAR 918-282-0270(3), a local committee may take action to permit electrical apprentices to work under indirect supervision during their final period of apprenticeship provided they have met the provisions of ORS 479.510 to 479.860 and have:

(a) Completed at least 6,500 hours of on-the-job training in an 8,000 hour program or 5,000 hours of on-the-job training in a 6,000 hour program; and

(b) Successfully completed related training appropriate to the required 6,500 hours of on-the-job training in an 8,000 hour program or related training appropriate to the required 5,000 hours in a 6,000 hour program.

(4) Indirect supervision licenses will be issued by the Division upon notification of committee approval and reissued for the duration of the program unless the committee takes action to rescind approval.

(5) All apprentices count towards the ratio specified in the standards, regardless of supervision status.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 479.510 - 479.860 & 918-320-0190(6)

Hist.: BL 11-1989(Temp), f. & cert. ef. 12-26-89; BL 17-1990, f. & cert. ef. 11-23-90; BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0290

Plumber Apprentices – Phased Supervision

(1) The Division shall issue plumbing apprentice licenses to active

apprentices or trainees registered to standards approved by the Council. Apprentice license formats shall be jointly agreed to by the Division and the Oregon Building Codes Division.

(2) All apprentices and trainees must be directly supervised in accordance with OAR 839-011-0143, unless approved for phased supervision.

(3) Pursuant to OAR 918-695-0140, a local committee may take action to permit plumbing apprentices to work under phased supervision under the following circumstances:

(a) The plumber apprentice must work in the physical presence of an appropriate journey level plumber; and

(b) An appropriate journey level plumber present at the immediate work site at all times, except for not more than a cumulative thirty (30) minutes during any work shift during which time the journey person is immediately available by voice communication.

(4) The plumber apprentice may work under phased supervision when the following specific conditions are met:

(a) The appropriate journey person is immediately available to the apprentice by voice communication (immediately available means that the apprentice can reach the appropriate journey person within a 15-minute period);

(b) The appropriate journey person meets with the apprentice at least once each day to go over the work done by the apprentice;

(c) The activity is consistent with the committee's work requirements as established in its written policy;

(d) There is only one apprentice on the job site; and

(e) The apprentice has been specifically approved for one (1) or more of the following phases:

(A) Phase 1: The apprentice only engages in water heater replacement or conversion after completing at least six (6) months of work experience, eight (8) hours of related instruction and is evaluated and authorized to do this type of work by the committee;

(B) Phase 2: The apprentice engages in work covered in Phase 1 and minor repairs in a one (1) or two (2) family dwelling after completion of three (3) periods of work experience, the appropriate related instruction for three (3) periods and is evaluated and authorized to do this type of work by the committee;

(C) Phase 3: The apprentice engages in work covered in Phase 1 and 2, and general repairs and replacement of existing installations after completion of four (4) periods of work experience, the appropriate related instruction for four (4) periods and is evaluated and authorized to do this type of work by the committee; or

(D) Phase 4: The apprentice engages in work covered in Phase 1, 2 and 3, and new or remodel installations after completing five (5) periods of work experience, the appropriate related instruction for five (5) periods and is evaluated and authorized to do this type of work by the committee.

(5) Phased supervision licenses will be issued by the Division upon notification of committee approval and reissued for the duration of the program unless the committee takes action to rescind approval.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 693.040 & 918-695-0140

Hist.: BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0310

Apprentice Rights

Upon registration the local committee shall provide each apprentice with the following information:

(1) Apprenticeship Standards for the program in which the apprentice is registered;

(2) Division approved committee policies and procedures; and

(3) Copy of the apprenticeship agreement.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.120(2)(a)

Hist.: BL 7-1991, f. & cert. ef. 8-15-91 (and corrected 2-3-92); BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0320

Presentations to Council

(1) The Council shall require a committee member or designee other than Division or federal Office of Apprenticeship staff to be present at the appropriate subcommittee meeting when seeking approval for:

(a) New committee;

(b) New standards or;

(c) Other submittals that do not have a staff recommendation for approval.

(2) When a committee member or designee is not required to be present at a subcommittee meeting and questions or deficiencies are noted, the committee will be given ten (10) working days to correct the deficiencies

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and obtain a Division recommendation for approval.

(a) If deficiencies are corrected, the submittal will be moved to the Council agenda.

(b) Any submittal with deficiencies not corrected within the ten (10) day time limit will be referred to the next meeting of the appropriate subcommittee.

(3) The Director may make exceptions to this rule upon receipt of a written request from the committee setting forth circumstances, such as an emergency or undue hardship, that might justify a failure to attend subcommittee meeting.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.120(2)(a)

Hist.: BL 7-1991, f. & cert. ef. 8-15-91 (and corrected 2-3-92); BLI 2-1999, f. & cert. ef. 4-2-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0334

Eligibility of Family and Current Employees

(1) To the extent that the State Apprenticeship and Training Council determines that it would not result in an adverse impact on apprenticeship opportunities based on an individual's protected class status, an applicant who is otherwise eligible for selection as an apprentice under the selection method approved by the Council for use by the local committee may be directly indentured to a family business or the applicant's current employer, subject to the consent of the applicant, regardless of whether another employer would otherwise be entitled to indenture the applicant under the selection method used by the local committee.

(2) As used in this section, "otherwise eligible for selection as an apprentice under the selection method approved by the Council for use by the local committee" shall mean that the applicant:

(a) Has met the minimum qualifications for entry into the program; and

(b) Has been evaluated or ranked by the local committee pursuant to the procedure set forth in its approved selection method; and

(c) Based on that evaluation or ranking, is the next applicant or in the immediate group of applicants eligible to be assigned or dispatched to a registered training agent pursuant to the local committee's approved selection method.

(3) When submitting a new or revised selection method to the Council for approval, local committees must indicate whether they will be using an exception to the selection methods established in Title 29 CFR Part 30 and must note in their committee minutes when an individual is indentured pursuant to subsections (1) and (2) above.

(4) Nothing in this rule is intended or should be interpreted as discouraging the use of a qualification standard or selection method on the basis of relative qualifications, if the qualification standard or selection criteria has been validated in accord with the guidelines established in Title 41 CFR Part 60-3.6.

Stat. Auth.: ORS 660.120(1)

Stats. Implemented: ORS 660.139

Hist.: BLI 17-1999, f. & cert. ef. 12-20-99; BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0401

Youth Apprenticeship Program Approval

(1) Council approval of the youth program is required prior to implementation.

(2) Youth apprenticeship committees and standards must meet the requirements outlined in these rules for adult apprenticeship programs.

(3) Youth standards must directly relate to an apprenticeable occupation recognized by federal Office of Apprenticeship.

Stat. Auth.: ORS 344.745 & 344.750, 660.120

Stats. Implemented: ORS 344.745 & 344.750, 660.120

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0402

Youth Apprentice Eligibility

(1) Committees may register youth apprentices who otherwise would not meet the minimum entry level qualifications for age, high school completion or GED in adult standards for the occupation.

(2) The provisions and requirements of ORS 344.745 shall prevail over the committee's standards should any conflict exist.

Stat. Auth.: ORS 344.745, 660.120

Stats. Implemented: ORS 344.745

Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BL 3-1994, f. & cert. ef. 6-3-94; Renumbered from 839-011-0420, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0403

Youth Apprentice Selection

The procedure to be utilized in selecting youth apprentices shall be outlined in the youth standards.

(1) Youth apprentices will be selected from a list of eligibles established by the school pursuant to ORS 344.745.

(2) In order to participate as a youth apprentice, a student must demonstrate career exploration competencies contained in a curriculum approved by the Oregon State Board of Education.

(3) In no case shall a youth apprentice displace a regular apprentice.

Stat. Auth.: ORS 344.745, 660.120

Stats. Implemented: ORS 344.745

Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BLI 2-1999, f. & cert. ef. 4-2-99; Renumbered from 839-011-0400, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0404

Youth Apprentice Training Agents

(1) Youth apprenticeship committees shall develop a process for the purpose of approving training agents to participate in the program.

(2) Employers must apply in writing to the appropriate committee requesting authorization to participate. The committee will review the request and respond in writing with a copy to the Director.

(3) Approved youth apprenticeship training agents in the building and construction trades shall be permitted only one (1) youth apprentice without concurrently training/hiring adult apprentices.

Stat. Auth.: ORS 344.745 & 344.750, 660.120

Stats. Implemented: ORS 344.745, 660.120 & 660.137

Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BL 3-1994, f. & cert. ef. 6-3-94; BLI 2-1999, f. & cert. ef. 4-2-99; Renumbered from 839-011-0440, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0405

Youth Apprentice Supervision

All youth apprentices shall be under direct line of sight supervision of a journey person while engaged in on-the-job training within hazardous occupations as defined by OAR 839-021-0104. Youth apprentices shall be under direct supervision at all other times to ensure optimal safety while on the job.

Stat. Auth.: ORS 344.750, 660.120

Stats. Implemented: ORS 660.120

Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BL 7-1993, f. & cert. ef. 7-12-93; BL 3-1994, f. & cert. ef. 6-3-94; Renumbered from 839-011-0430, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0406

Youth Apprentice Ratios

(1) Committees shall adopt the same ratio of youth apprentices to journey persons as exists for adult apprenticeship programs, except that:

(a) Youth apprentices shall not be included in the count as part of the adult apprentices, but shall be counted separately and concurrently;

(b) A training agent is permitted to participate in the youth apprenticeship program without concurrently training/hiring adult apprentices; and

(c) At no time shall the total number of youth apprentices and adult apprentices exceed the number of journey persons for any job or training agent.

(2) The ratio shall be job and/or training agent specific in application.

Stat. Auth.: ORS 344.745 & 344.750, 660.120

Stats. Implemented: ORS 344.745, 660.120

Hist.: BL 4-1994, f. & cert. ef. 6-13-94; BLI 2-1999, f. & cert. ef. 4-2-99; Renumbered from 839-011-0480, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0407

Youth Apprentice Evaluation

The committee must establish a policy and procedure addressing periodic evaluation of youth apprentices and recommending the granting of credit by the committee. The policy shall include the review of apprentice progress including participation in classroom instruction, related instruction, and on-the-job training.

Stat. Auth.: ORS 344.745 & 344.750, 660.120

Stats. Implemented: ORS 344.745 & 344.750

Hist.: BL 2-1992, f. & cert. ef. 1-14-92; BL 7-1993, f. & cert. ef. 7-12-93; BL 3-1994, f. & cert. ef. 6-3-94; Renumbered from 839-011-0410, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0408

Transfer of Youth Apprentices

The committee, in consultation with the participating school, is responsible for the transfer of youth apprentices to other training agent(s) in the event a training agent is unable to fully comply with the apprenticeship standards and these rules.

Stat. Auth.: ORS 660.120

Stats. Implemented: ORS 660.120

Hist.: BL 2-1992, f. & cert. ef. 1-14-92; Renumbered from 839-011-0450, BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

ADMINISTRATIVE RULES

839-011-0501

Purpose and Scope

(1) ORS 660.120 authorizes the State Apprenticeship and Training Council to conduct investigations in all matters relating to the Council's duties and functions as set forth in ORS 660.002 to 660.210.

(2) While conducting investigations, ORS 660.120 gives the Council the authority to issue subpoenas ad testificandum and subpoenas duces tecum, administer oaths, obtain evidence and take testimony.

(3) These rules govern the Council's gathering of information through subpoenas or testimony and establish procedures through which a subpoenaed party may object to answering questions or producing any document or other thing subpoenaed.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

39-011-0505

Definitions

(1) "Council" means the State Apprenticeship and Training Council.

(2) "Document" means any existing written, printed, typed, or recorded matter of any kind or nature, however produced or reproduced, including but not limited to all mechanical, electronic, sound or video recordings or their transcripts, photographs, electronic files and computer stored data.

(3) "Other thing" means any existing tangible object that is not a "document."

(4) "Party" means any person who has been served by a subpoena under these rules.

(5) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

(6) "Subpoena ad testificandum" is a subpoena that requires an individual to appear and give testimony under oath.

(7) "Subpoena duces tecum" is a subpoena that requires the production of documents or other things.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0510

Who and What May Be Subpoenaed

The Council may issue subpoenas to persons to compel testimony and the production of documents or other things that are relevant to the Council's lawful investigative purpose and reasonable in scope under matters relating to the duties required under ORS 660.002 to 660.210.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0515

Circumstances under Which a Subpoena May be Issued

(1) The Council may issue a subpoena ad testificandum to compel a person to testify under oath when:

(a) The Council determines that the person is a material witness in an investigation being conducted by the Council under ORS 660.002 to 660.210;

(b) The information sought from the person is relevant to a lawful investigative purpose and is reasonable in scope; and

(c) The Council has been unable to interview the person after having made reasonable attempts to do so, or the person states that he or she will only consent to an interview if first served with a subpoena.

(2) The Council may also issue a subpoena ad testificandum to compel a person to testify under oath about the contents of documents or other things produced in response to subpoena duces tecum served on the same person.

(3) The Council may issue a subpoena duces tecum to compel a person to produce documents or other things when:

(a) The Council determines that the documents or other things are relevant to the Council's investigation being conducted under ORS 660.002 to 660.210;

(b) The documents or other things sought are relevant to a lawful investigative purpose and are reasonable in scope; and

(c) The Council has made a written request for production of documents or things and the person to whom the request was made has failed to comply within the time specified by the Council, unless the Council finds a subpoena is necessary to protect the documents and things from destruction.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0520

Who May Issue Subpoenas

The Council or the Council's designees may issue subpoenas.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0525

Subpoena Duces Tecum

(1) A subpoena duces tecum may be issued to any person who has custody, possession, or control of documents or other things named in the subpoena duces tecum when the conditions set out in OAR 839-011-0515(3) have been met.

(2) A subpoena duces tecum issued to a corporation will be addressed to the records custodian of the corporation.

(3) A subpoena duces tecum will not require production of documents or other things less than fourteen (14) days from the date of service upon the person required to produce and permit inspection of the documents or other things unless the Council finds a shorter period necessary to protect the documents and other things from destruction or if the Council has an immediate need for the documents or other things being subpoenaed.

(4) The Council may also command the person to whom a subpoena duces tecum is issued to produce documents and other things by mail or otherwise, at a time and place specified in the subpoena, without commanding inspection of the originals. The person to whom the subpoena is directed complies if the person produces copies of the specified items in the specified manner and certifies that the copies are true copies of all documents and other things responsive to the subpoena.

(5) The subpoenaed documents and other things must be produced at the location, time, and date required in the subpoena.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0530

Subpoena Ad Testificandum

(1) A subpoena ad testificandum may be issued to any person when the conditions set out in 839-011-0105(1) or 839-011-0515(2) have been met.

(2) The subpoena ad testificandum must give the person a reasonable time for preparation and travel to the place of attendance and the place of attendance must be suitable place in the vicinity to which testimony is applicable.

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0535

Method of Service

(1) Except as noted in sections (2) and (3) of this rule, subpoenas must be served in person by delivering a copy to the witness personally and, at the same time, giving or offering to the witness the fees to which the person is entitled for travel to and from the place where the witness is commanded to appear, along with one (1) day's attendance fee. A subpoena may be served by any person 18 years of age or older.

(2) Subpoenas ad testificandum may be served by mail under the following circumstances:

(a) The Council must have, by personal or telephone contact, confirmed the witness's willingness to appear if subpoenaed and certify this on the return of service;

(b) The Council made arrangements for payment to the witness of fees and mileage satisfactory to the witness and pays those fees and mileage; and

(c) The subpoena is sent by certified mail to the witness more than ten (10) days before the date set for appearance or production of documents or other things and the Council receives a return receipt signed by the witness more than three (3) days prior to that date.

(3) A subpoena duces tecum that commands production of documents or other things but is not accompanied by a subpoena ad testificandum may be served by mail by mailing the subpoena to the person required to produce and permit inspection of the documents or things by first class mail and by certified or registered mail, return receipt requested.

(4) A subpoena duces tecum issued to a corporation will be served in accordance with requirements for service of summons on a corporation pursuant to ORCP 7 D(3)(b),

Stat. Auth.: ORS 660
Stats. Implemented: ORS 660.120(1)
Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

ADMINISTRATIVE RULES

839-011-0540

Fees

All persons subpoenaed by the Council must be paid the mileage and per diem set out in ORS 44.415(2).

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(1)

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0545

Time and Manner of Objecting to Subpoenas

(1) Any person served with an investigative subpoena may object to testifying or providing the documents or other things sought. Grounds for objections include:

(a) The information sought is irrelevant to a lawful investigative purpose;

(b) The information sought is unreasonable in scope;

(c) The witness is ordered to appear to give testimony in a place that is not suitable or not in the vicinity to which the testimony is applicable;

(d) The time and expense involved in copying the documents sought.

In order to have this objection considered, a person making this objection must include a written estimate of the time involved and number of copies to be made in order to comply with the subpoena;

(e) Reasonable cause to refuse to comply; or

(f) Any other basis that may be asserted under Oregon law.

(2) Objections to subpoenas must be in writing and must be received by the Council at least seven (7) calendar days before the time that the witness is subpoenaed to testify or provide documents or other things.

(3) If a subpoenaed witness refuses to answer specific questions while giving testimony, the witness must state the reason for the objection at the time that the witness refuses to answer the questions.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(1)

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0550

Response to Objections

(1) The Council will respond in writing to any objections timely received under OAR 839-011-0545(2).

(2) If the objection made is the time and expense involved in copying the documents sought, the Council will provide a check to the person subpoenaed to pay for the estimated time and expense, calculated at the rates set out in OAR 839-011-0060. The Council may provide this check before or at the time the witness is subpoenaed to provide documents or other things.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(1)

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0555

Method of Taking Testimony

(1) When a witness appears to give testimony in response to a subpoena ad testificandum, an oath or affirmation will be administered to the witness prior to his or her testimony. The oath or affirmation will be administered by an officer authorized to administer oaths in Oregon, generally a notary public.

(2) The witness's testimony will be preserved by an audio or video recording. Upon request, the Council will give the witness a copy of the recording at no cost.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(1)

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0560

Failure to Appear

If a person served with a subpoena fails to appear and has not filed any prior objections, the Council will conclude that the person has refused, without reasonable cause, to answer any question or to produce any document or other thing.

Stat. Auth.: ORS 660

Stats. Implemented: ORS 660.120(1)

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

839-011-0565

Enforcement of Subpoena

If a person served with a subpoena refuses, without reasonable cause, to be examined, to answer any question or to produce any document or other thing as required by the subpoena, the Council may petition the circuit court in the county in which the investigation is pending for an order directing the person to show cause why the person has not complied with

the subpoena and should not be held in contempt. The Council shall serve the court's order upon the person in the manner provided by Oregon Rules of Civil Procedure 55 D.

Stat. Auth.: ORS chapter 660

Stats. Implemented: ORS 660.120(1), ORCP 7

Hist.: BLI 18-2010, f. 7-29-10, cert. ef. 8-1-10

Department of Administrative Services

Chapter 125

Rule Caption: Business Associates Rule, HIPAA Privacy and Security Rule and HITECH Act.

Adm. Order No.: DAS 2-2010(Temp)

Filed with Sec. of State: 7-26-2010

Certified to be Effective: 7-26-10 thru 1-17-11

Notice Publication Date:

Rules Amended: 125-055-0100, 125-055-0105, 125-055-0115, 125-055-0120, 125-055-0125, 125-055-0130

Subject: Chapter 125 Division 055 rules above govern the contract requirements necessary to comply with the Business Associate provisions of the Privacy Rule under The Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d – 1320d-8, Public Law 104-191, sec. 262 and sec. 264 (“HIPAA”). “Business Associate” is a term developed by the U.S. Department of Health and Human Services under the Administrative Simplification title of HIPAA. Business Associate is defined in 42 CFR 160.103(2002).

Business Associate requirements cover the use, disclosure, and creation of protected health information between agencies and certain contractors are found in the U.S. Department of Health and Human Services privacy regulation contained in 45 CFR parts 160 and 164 (the “Privacy Rule”). The Privacy Rule imposes certain compliance requirements specified in Sections 164.502(e) and 164.504(e) on contracts between a covered entity (as defined in the Privacy Rule) and its Business Associates. Certain public contracting agencies are covered entities under the Privacy Rule and must comply with the Business Associate contracting requirements.

As a part of the ARRA law changes, Congress added some new provisions that affect the DAS Business Associates rule and the model HIPAA language that DAS provides to state agencies. The new provisions, essentially, make business associates subject to penalties and have an impact on breach notification.

The new Federal Law changes are significant. The DAS Rules must be updated so that any contracts that incorporate the Rule as a basis for meeting Business Associate legal obligations meet the new HIPAA and HITECH Act requirements.

Rules Coordinator: Yvonne Hanna—(503) 378-2349, ext. 325

125-055-0100

Purpose — HIPAA Privacy and Security Rule Implementation; HITECH Act Implementation.

(1) The purpose of these rules is to set forth the contract requirements to comply with the Business Associate provisions of HIPAA and the implementing Privacy Rule and Security Rule and of the HITECH Act. The Privacy Rule and Security Rule, as amended by the HITECH Act, require an Agency, as a Covered Entity, to obtain certain written assurances from a Business Associate, as that term is defined in the Privacy Rule and Security Rule, that the Business Associate will comply with the Business Associate requirements set forth in 45 CFR 164.502(e) and 164.504(e), and as amended by HITECH. The Privacy Rule requires that a Covered Entity obtain certain written assurances before the Business Associate may disclose, use, or create Protected Health Information. The Security Rule requires an Agency, as a Covered Entity, to obtain certain written assurances from a Business Associate before the Business Associate may create, receive, maintain, or transmit Protected Health Information transmitted by or maintained in Electronic Media on behalf of the Covered Entity. The HITECH Act imposes requirements on an Agency, as a Covered Entity, and on Business Associates of Covered Entities. This Rule contains the written assurances that an Agency must include in its Contract with a Business Associate. Before applying this Rule, Agencies must determine if a Business Associate relationship exists between the Contractor and the Agency as Business Associate is defined in HIPAA and the Privacy Rule or Security Rule and the HITECH Act. The requirements contained in this Rule apply both to Contracts for trade services and personal services, as defined in OAR 125-

ADMINISTRATIVE RULES

246-0110, that involve the use and disclosure of Protected Health Information or Electronic Protected Health Information or both.

(2) This Rule will be interpreted as broadly as necessary to implement and comply with HIPAA, the Privacy Rule and the Security Rule, and the HITECH Act. Any ambiguity in this Rule shall be resolved in favor of a meaning that complies and is consistent with HIPAA, the Privacy Rule and the Security Rule, and the HITECH Act.

Stat. Auth.: ORS 184.305, 184.340 & 279A.140
Stats. Implemented: ORS 279A.140 & The Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d -1320d-8, PL 104-191, sec. 262 & sec. 264
Hist.: DAS 9-2002(Temp), f. & cert. ef. 12-31-02 thru 6-28-03; DAS 3-2003, f. & cert. ef. 6-27-03; DAS 5-2005(Temp), f. & cert. ef. 4-20-05 thru 10-17-05; DAS 12-2005, f. 10-21-05, cert. ef. 10-22-05; DAS 2-2010(Temp), f. & cert. ef. 7-26-10 thru 1-17-11

125-055-0105

Definitions

For purposes of rules 125-055-0100 through 125-055-0130 the following terms shall have the meanings set forth below. Capitalized terms not defined herein shall have the same meaning as those terms in the Privacy Rule and the Security Rule and the HITECH Act, including, but not limited to, 42 USC Section 17938 and 45 CFR Section 160.103.

(1) **“Agency”** means an agency of the State of Oregon subject to the procurement authority of DAS pursuant to ORS 279A.140 and that is a Covered Entity.

(2) **“Business Associate”** has the meaning defined in 45 CFR 160.103. A Business Associate performs or assists a Covered Entity in performing a function or activity that involves the use, disclosure, or creation of Protected Health Information. The Workforce, as defined in 45 CFR 160.103, of the Covered Entity is not considered to be a Business Associate nor do their activities create a Business Associate relationship with their employer.

(3) **“Contract”** means the written agreement between an Agency and a Contractor setting forth the rights and obligations of the parties.

(4) **“Covered Entity”** means:

(a) A governmental or private Health Plan;

(b) A Health Care Provider, as defined in ORS 192-519, that transmits any Health Information in electronic form to carry out financial or administrative activities in connection with a Transaction;

(c) A Health Care Clearinghouse; or

(d) A prescription drug card sponsor under Medicare Part D.

(e) Health Plan, Health Information, Health Care Clearinghouse, and Transaction have the same meaning as those terms in 45 CFR 160.103.

(5) **“Electronic Media”** means:

(a) Electronic storage media; and

(b) Transmission media used to exchange information already in electronic storage media.

(6) **“Electronic Protected Health Information”** means Protected Health Information that is created, maintained, received or transmitted by Electronic Media.

(7) **“HIPAA”** means the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d - 1320d-8, Public Law 104-191, sec. 262 and sec. 264.

(8) **“HITECH Act”** means the Health Information Technology for Economic and Clinical Health (“HITECH”) Act, Title XIII of division A and Title IV of Division B of the American Recovery and Reinvestment Act of 2009 (“ARRA”), Public Law 111-5, including any implementing regulations.

(9) **“Health Care Provider”** means the persons or entities that furnish, bill for or are paid for Health Care in the normal course of business, as more fully defined in ORS 192.519.

(10) **“Privacy Rule”** means the Standards for Privacy of Individually Identifiable Health Information at 45 CFR part 160 and part 164, subparts A and E.

(11) **“Protected Health Information”** means Individually Identifiable Health Information that is maintained or transmitted in any Electronic Media or other form or medium by a Covered Entity.

(12) **“Required by Law”** has the meaning defined in 45 CFR section 164.103.

(13) **“Rule”** means this Oregon Administrative rule 125-055-0100 through 125-055-0130.

(14) **“Security Rule”** means the security standards for Electronic Protected Health Information found at 45 CFR Parts 160, 162, and 164.

Stat. Auth.: ORS 184.305, 184.340 & 279A.140
Stats. Implemented: ORS 192.519; ORS 279A.140 & The Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d -1320d-8, PL 104-191, sec. 262 & sec. 264
Hist.: DAS 9-2002(Temp), f. & cert. ef. 12-31-02 thru 6-28-03; DAS 3-2003, f. & cert. ef. 6-27-03; DAS 5-2005(Temp), f. & cert. ef. 4-20-05 thru 10-17-05; DAS 12-2005, f. 10-21-05, cert. ef. 10-22-05; DAS 2-2010(Temp), f. & cert. ef. 7-26-10 thru 1-17-11

125-055-0115

Business Associate Contract Provisions

(1) A Contract that is subject to the Business Associate requirements set forth in 45 CFR 164.502(e) and 164.504(e) of the Privacy Rule shall contain the following provisions:

(a) **Obligations and Activities of Business Associate: Business Associate agrees to:**

(A) Not use or disclose Protected Health Information or Electronic Protected Health Information other than as permitted or required by this Rule and the Contract, or as Required By Law.

(B) Use appropriate safeguards to prevent use or disclosure of the Protected Health Information and Electronic Protected Health Information other than as provided for by this Rule and the Contract.

(C) Mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of Protected Health Information or Electronic Protected Health Information by Business Associate in violation of the requirements of this Rule and the Contract.

(D) Report to Agency, as promptly as possible, any use or disclosure of the Protected Health Information or Electronic Protected Health Information not provided for by this Rule and the Contract of which it becomes aware.

(E) Ensure that any agent, including a subcontractor, to whom it provides Protected Health Information or Electronic Protected Health Information received from, or created or received by Business Associate on behalf of Agency agrees to the same restrictions and conditions that apply through this Rule and the Contract to Business Associate with respect to such information.

(F) Provide access, at the request of Agency, and in the time and manner designated by Agency, to Protected Health Information or Electronic Protected Health Information in a Designated Record Set, to Agency or, as directed by Agency, to an Individual in order to meet the requirements under 45 CFR 164.524.

(G) Make any amendment(s) to Protected Health Information or Electronic Protected Health Information in a Designated Record Set that the Agency directs or agrees to pursuant to 45 CFR 164.526 at the request of Agency or an Individual, and in the time and manner designated by Agency.

(H) Make internal practices, books, and records, including policies and procedures relating to the use and disclosure of Protected Health Information and Electronic Protected Health Information received from, or created or received by Business Associate on behalf of, Agency available to Agency and to the Secretary, as defined by 45 CFR 160.103 in a time and manner designated by Agency or the Secretary, for purposes of the Secretary determining Agency’s compliance with the Privacy Rule or Security Rule.

(I) Document disclosures of Protected Health Information and Electronic Protected Health Information and information related to such disclosures as would be required for Agency to respond to a request by an Individual for an accounting of disclosures of Protected Health Information and Electronic Protected Health Information in accordance with 45 CFR 164.528.

(J) Provide to Agency or an Individual, in a time and manner to be designated by Agency, information collected in accordance with subparagraph (I) of this section (a), to permit Agency to respond to a request by an Individual for an accounting of disclosures of Protected Health Information and Electronic Protected Health Information in accordance with 45 CFR 164.528.

(K) Effective February 17, 2010, comply with 45 CFR 164.504(e) and all requirements of the HITECH Act, that relate to privacy and that are made applicable to Covered Entities, as if Business Associate were a Covered Entity.

(b) **Permitted Uses and Disclosures by Business Associate:**

(A) General Use and Disclosure Provision. Except as otherwise limited or prohibited by this Rule, Business Associate may use or disclose Protected Health Information and Electronic Protected Health Information to perform functions, activities, or services for, or on behalf of, Agency as specified in the Contract and this Rule, provided that such use or disclosure would not violate the Privacy Rule, Security Rule, the HITECH Act, or other applicable federal or state laws or regulations if done by Agency or the minimum necessary policies and procedures of the Agency. All other uses of Protected Health Information and Electronic Protected Health Information are prohibited.

(B) Specific Use and Disclosure Provision.

(i) Except as otherwise limited in this Rule, Business Associate may use Protected Health Information and Electronic Protected Health

ADMINISTRATIVE RULES

Information for the proper management and administration of the Business Associate or to carry out the legal responsibilities of the Business Associate.

(ii) Except as otherwise limited in this Rule, Business Associate may disclose Protected Health Information and Electronic Protected Health Information for the proper management and administration of the Business Associate, provided that disclosures are Required By Law, or Business Associate obtains reasonable assurances from the person to whom the information is disclosed that it will remain confidential and used or further disclosed only as Required By Law or for the purpose for which it was disclosed to the person, and the person notifies the Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached.

(iii) Business Associate may use Protected Health Information and Electronic Protected Health Information to report violations of law to appropriate federal and state authorities, consistent with 45 CFR 164.502(j)(1).

(iv) Business Associate may not aggregate or compile Agency's Protected Health Information or Electronic Protected Health Information with the Protected Health Information or Electronic Protected Health Information of other Covered Entities unless the Contract permits Business Associate to perform Data Aggregation services. If the Contract permits Business Associate to provide Data Aggregation services, Business Associate may use Protected Health Information to provide Data Aggregation services requested by Agency as permitted by 45 CFR 164.504(e)(2)(i)(B) and subject to any limitations contained in this Rule. If Data Aggregation services are requested by Agency, Business Associate is authorized to aggregate Agency's Protected Health Information with Protected Health Information of other Covered Entities that the Business Associate has in its possession through its capacity as a business associate to such other Covered Entities provided that the purpose of such aggregation is to provide Agency with data analysis relating to the Health Care Operations of Agency. Under no circumstances may Business Associate disclose Protected Health Information of Agency to another Covered Entity absent the express authorization of Agency.

(c) Obligations of Agency:

(A) Agency shall notify Business Associate of any limitation(s) in its notice of privacy practices of Agency in accordance with 45 CFR 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of Protected Health Information and Electronic Protected Health Information. Agency may satisfy this obligation by providing Business Associate with Agency's most current Notice of Privacy Practices.

(B) Agency shall notify Business Associate of any changes in, or revocation of, permission by Individual to use or disclose Protected Health Information or Electronic Protected Health Information, to the extent that such changes may affect Business Associate's use or disclosure of Protected Health Information and Electronic Protected Health Information.

(C) Agency shall notify Business Associate of any restriction to the use or disclosure of Protected Health Information or Electronic Protected Health Information that Agency has agreed to in accordance with 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of Protected Health Information or Electronic Protected Health Information.

(d) **Permissible Requests by Agency:** Agency shall not request Business Associate to use or disclose Protected Health Information or Electronic Protected Health Information in any manner that would not be permissible under the Privacy Rule or Security Rule if done by Agency, except as permitted by section (1)(b)(B) above.

(e) Termination of Contract:

(A) Termination for Cause. Upon Agency's knowledge of a material breach by Business Associate of the requirements of this Rule, Agency shall:

(i) Notify Business Associate of the breach and specify a reasonable opportunity in the notice for Business Associate to cure the breach or end the violation, and terminate the Contract if Business Associate does not cure the breach of the requirements of this Rule or end the violation within the time specified by Agency;

(ii) Immediately terminate the Contract if Business Associate has breached a material term of this Rule and cure is not possible in Agency's reasonable judgment; or

(iii) If neither termination nor cure is feasible, Agency shall report the violation to the Secretary.

(iv) The rights and remedies provided in this Rule are in addition to the rights and remedies provided in the Contract.

(B) Effect of Termination.

(i) Except as provided in paragraph (ii) of this subsection (B), upon termination of the Contract, for any reason, Business Associate shall, at Agency's option, return or destroy all Protected Health Information and Electronic Protected Health Information received from Agency, or created or received by Business Associate on behalf of Agency. This provision shall apply to Protected Health Information and Electronic Protected Health Information that is in the possession of subcontractors or agents of Business Associate. Business Associate shall retain no copies of the Protected Health Information and Electronic Protected Health Information.

(ii) In the event that Business Associate determines that returning or destroying the Protected Health Information or Electronic Protected Health Information is infeasible, Business Associate shall provide to Agency notification of the conditions that make return or destruction infeasible. Upon Agency's written acknowledgement that return or destruction of Protected Health Information or Electronic Protected Health Information is infeasible, Business Associate shall extend the protections of this Rule to such Protected Health Information and Electronic Protected Health Information and limit further uses and disclosures of such Protected Health Information and Electronic Protected Health Information to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such Protected Health Information and Electronic Protected Health Information.

(2)(a) **Security Requirements:** A Contract that is subject to the Security Rule's Business Associate requirements for Electronic Protected Health Information must comply with both the Privacy Rule and the Security Rule requirements applicable to a Business Associate. In addition to the Privacy Rule requirements set forth in subsection (1) of this rule, the Contract shall contain the following provisions:

(b) Obligations of Business Associate: Business Associate agrees to:

(A) Implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the Electronic Protected Health Information that it creates, receives, maintains, or transmits on behalf of the Agency, and develop and enforce related policies, procedure, and documentation standards (including designation of a security official).

(B) Ensure that any agent, including a subcontractor, to whom it provides Electronic Protected Health Information agrees to implement reasonable and appropriate safeguards to protect it; and

(C) In the event of Discovery of a Breach of Unsecured Protected Health Information:¹⁰³

(i) Notify the Agency of such Breach. The notification of a Breach to the Agency must be made as soon as possible and Business Associate shall confer with the Agency as soon as practicable thereafter, but in no event, shall notification to the Agency be later than 30 calendar days after the Discovery of a Breach. Notification shall include identification of each individual whose Unsecured Protected Health Information has been, or is reasonably believed by Business Associate to have been accessed, acquired or disclosed during such Breach and any other information as may be reasonably required by the Agency necessary for the Agency to meet its notification obligations;

(ii) Confer with the Agency as to the preparation and issuance of an appropriate notice to each individual whose Unsecured Protected Health Information has been, or is reasonably believed by Business Associate to have been accessed, acquired or disclosed as a result of such Breach;

(iii) Where the Breach involves more than 500 individuals, confer with the Agency as to the preparation and issuance of an appropriate notice to prominent media outlets within the State or as appropriate, local jurisdictions; and,

(iv) Confer with the Agency as to the preparation and issuance of an appropriate notice to the Secretary of Unsecured Protected Health Information that has been acquired or disclosed in a Breach. If the Breach was with respect to 500 or more individuals, such notice to the Secretary must be provided immediately. If the Breach was with respect to less than 500 individuals, a log may be maintained of any such Breach and the log must be provided to the Secretary annually documenting such Breaches occurring during the year involved.

(v) Except as set forth in (F) below, notifications required by this section must be made without unreasonable delay and in no case later than 60 calendar days after the Discovery of a Breach. Any notice must be provided in the manner and content required by the HITECH Act, sections 13402(e) and (f), and 45 CFR 164.404 through 164.410.

(vi) Any notification required by this section may be delayed by a law enforcement official in accordance with the HITECH Act, section 13402(g).

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(vii) For purposes of this section, the terms “Breach” and “Unsecured Protected Health Information” have the meaning set forth in 45 CFR 164.402. A Breach will be considered as “Discovered” in accordance with the HITECH Act, section 13402(c) and 45 CFR 164.404(a)(2).

(D) Effective February 17, 2010, Business Associate shall comply with 45 CFR 164.308, 164.310, 164.312 and 164.316 and all requirements of the HITECH Act, that relate to security and that are made applicable to Covered Entities, as if Business Associate were a Covered Entity.

Stat. Auth.: ORS 184.305, 184.340 & 279A.140
Stats. Implemented: ORS 279A.140 & The Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d-1320d-8, PL 104-191, sec. 262 & sec. 264
Hist.: DAS 9-2002(Temp), f. & cert. ef. 12-31-02 thru 6-28-03; DAS 3-2003, f. & cert. ef. 6-27-03; DAS 5-2005(Temp), f. & cert. ef. 4-20-05 thru 10-17-05; DAS 12-2005, f. 10-21-05, cert. ef. 10-22-05; DAS 2-2010(Temp), f. & cert. ef. 7-26-10 thru 1-17-11

125-055-0120

Order of Precedence

In the event of a conflict between this Rule and the provisions of the Contract, this Rule shall control. In the event of a conflict between this Rule and the Privacy Rule or the Security Rule or the HITECH Act, or the provisions of the Contract and the Privacy Rule or the Security Rule or the HITECH Act, the Privacy Rule and the Security Rule and the HITECH Act shall control. The requirements set forth in this Rule are in addition to any other provisions of law applicable to the Contract. Provided, however, this Rule shall not supercede any other federal or state law or regulation governing the legal relationship of the parties, or the confidentiality of records or information, except to the extent that HIPAA and the HITECH Act preempt those laws or regulations. Any ambiguity in the Contract shall be resolved to permit Agency and Business Associate to implement and comply with HIPAA, the HITECH Act, the Privacy Rule and the Security Rule.

Stat. Auth.: ORS 184.305, 184.340 & 279A.140
Stats. Implemented: ORS 279A.140 & The Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d-1320d-8, PL 104-191, sec. 262 & sec. 264
Hist.: DAS 9-2002(Temp), f. & cert. ef. 12-31-02 thru 6-28-03; DAS 3-2003, f. & cert. ef. 6-27-03; DAS 5-2005(Temp), f. & cert. ef. 4-20-05 thru 10-17-05; DAS 12-2005, f. 10-21-05, cert. ef. 10-22-05; DAS 2-2010(Temp), f. & cert. ef. 7-26-10 thru 1-17-11

125-055-0125

Methods of Compliance

In addition to incorporating the Business Associate requirements contained in this Rule in its Contracts with Business Associates, Agency may comply with this Rule in any of the following ways:

(1) **Memorandum of Understanding.** If Agency and Business Associate are government entities, the parties may comply with the requirements of this Rule by entering into a memorandum of understanding that accomplishes the objectives of this Rule and meets the Business Associate requirements of the Privacy Rule and the Security Rule.

(2) **Amendment.** Agency may comply with the requirements of this Rule by executing an amendment or rider that amends Agency’s Contract and that contains the contract provisions required by this Rule.

(3) **Required by Law.** If a Business Associate is Required by Law to perform a function or activity on behalf of an Agency or to provide a service described in the definition of Business Associate to an Agency, such Agency may disclose Protected Health Information to the Business Associate to the extent necessary to comply with the legal mandate without meeting the requirements of this Rule, provided that the Agency attempts in good faith to obtain satisfactory assurances required by OAR 125-055-0115, and, if such attempt fails, documents the attempt and the reasons that such assurances cannot be obtained.

Stat. Auth.: ORS 184.305, 184.340 & 279A.140
Stats. Implemented: ORS 279A.140 & The Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d-1320d-8, PL 104-191, sec. 262 & sec. 264
Hist.: DAS 9-2002(Temp), f. & cert. ef. 12-31-02 thru 6-28-03; DAS 3-2003, f. & cert. ef. 6-27-03; DAS 5-2005(Temp), f. & cert. ef. 4-20-05 thru 10-17-05; DAS 12-2005, f. 10-21-05, cert. ef. 10-22-05; DAS 2-2010(Temp), f. & cert. ef. 7-26-10 thru 1-17-11

125-055-0130

Standards in Individual Contracts

(1) Agency and Business Associate may enter into a Contract that contains more stringent standards than those set forth in this Rule as long as such standards do not violate the requirements of the Privacy Rule or the Security Rule or the HITECH Act.

(2) Agencies shall use one of the forms provided or approved by the State Procurement Office of the State Services Division of the Department of Administrative Services when entering into personal services contracts as defined in OAR 125-246-0110. For revised forms up to a cumulative value of \$150,000 and before an Agency may use a revised form, it must obtain its Designated Procurement Officer’s approval of any revisions to the form’s terms and conditions. For revised forms exceeding a cumulative value of \$150,000 and before an Agency may use a revised form, it must

obtain Department of Justice approval of any revisions to the revised form’s terms and conditions.

Stat. Auth.: ORS 184.305, 184.340 & 279A.140
Stats. Implemented: ORS 279A.140 & The Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d-1320d-8, PL 104-191, sec. 262 & sec. 264
Hist.: DAS 9-2002(Temp), f. & cert. ef. 12-31-02 thru 6-28-03; DAS 3-2003, f. & cert. ef. 6-27-03; DAS 5-2005(Temp), f. & cert. ef. 4-20-05 thru 10-17-05; DAS 12-2005, f. 10-21-05, cert. ef. 10-22-05; DAS 2-2010(Temp), f. & cert. ef. 7-26-10 thru 1-17-11

Department of Administrative Services, Oregon Educators Benefit Board Chapter 111

Rule Caption: Amended to update and clarify OEGB’s qualified status changes.

Adm. Order No.: OEGB 6-2010

Filed with Sec. of State: 8-3-2010

Certified to be Effective: 8-3-10

Notice Publication Date: 5-1-2010

Rules Amended: 111-040-0040

Rules Repealed: 111-040-0040(T)

Subject: OAR 111-040-0040 is amended to update and clarify the Oregon Educators benefit Board’s qualified status changes. The amendment allows an OEGB member who has experienced significant changes in cost, which result in a negative impact, to be able to make a change to their current benefit selections outside of the annual enrollment period.

Rules Coordinator: April Kelly — (503) 378-6588

111-040-0040

Qualified Status Changes (QSC)

(1) Active eligible employees experiencing a change in family or work status as noted below during the plan year have 31 calendar days from the date of the event to make changes unless indicated otherwise. The eligible employee may make only those changes that are consistent with the event for themselves and dependents. Please refer to the OEGB QSC matrix for details on what changes can occur with each event.

(2) Change in status. Events include:

(a) Gain spouse by marriage or domestic partner by meeting domestic partner eligibility;

(b) Loss of spouse or domestic partner by divorce, annulment, death or termination of domestic partnership, 60 days from the event;

(c) Gain dependent by birth, placement for/or adoption, affidavit of dependency or Domestic Partner’s children (by affidavit of domestic partnership), 60 days from the event;

(d) Active eligible employee starts new employment and gains eligibility;

(e) Change in employment status by active eligible employee which affects eligibility;

(f) Active eligible employee ends employment or other change in employment status resulting in a loss of eligibility;

(g) Spouse or domestic partner starts new employment or other change in employment status which affects eligibility;

(h) Spouse or domestic partner’s employment ends or other change in employment status resulting in a loss of eligibility under their employer’s plan;

(i) Event by which dependent child satisfies eligibility requirements under OEGB plans (for a list of requirements see 111-010-0015);

(j) Event by which dependent ceases to satisfy eligibility requirements under OEGB plans (for a list of requirements see 111-010-0015), 60 days from the event;

(k) Changes in the residence of the active eligible employee or family member (i.e., moving out of the service area of an HMO);

(l) Reinstatement of coverage. Reinstatement can be used in the following situations:

(A) Military (USERRA).

(B) When coverage was continued under COBRA.

(C) When coverage was terminated in error and there is no lapse in coverage.

(m) Significant changes in cost of the eligible employee’s or early retiree’s current plan and tier level that result in a negative impact of 10 percent or more to:

(A) The amount an active eligible employee or early retiree must contribute toward benefits.

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(B) The amount a spouse or domestic partner must contribute toward his or her group health insurance plan cost.

(n) Related laws or court orders. For example: Qualified Medical Child Support Order (QMSCO), Medicare, HIPAA, or Family Health Insurance Assistance Program (FHIAP). Changes are determined by the applicable law or court order.

(3) Changes in coverage, or contribution amounts that result in a reduced amount that an employee or eligible dependent must contribute toward benefits, do not constitute a Qualified Status Change.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 10-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; OEBB 11-2009, f. & cert. ef. 7-31-09; OEBB 17-2009(Temp), f. & cert. ef. 10-7-09 thru 4-4-10; OEBB 22-2009, f. & cert. ef. 12-17-09; OEBB 2-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; OEBB 6-2010, f. & cert. ef. 8-3-10

Rule Caption: Amended to include new definitions, update existing definitions and delete definitions no longer used by the Oregon Educators Benefit Board.

Adm. Order No.: OEBB 7-2010(Temp)

Filed with Sec. of State: 8-3-2010

Certified to be Effective: 8-3-10 thru 1-29-11

Notice Publication Date:

Rules Amended: 111-010-0015

Subject: OAR 111-010-0015 is amended to include new definitions used by OEBB, delete a definition no longer used and update our definitions to include more recent terms used by OEBB. In addition, OEBB updated the definition of dependent child to align with the new Federal Health Care standards.

Rules Coordinator: April Kelly—(503) 378-6588

111-010-0015

Definitions

Unless the context indicates otherwise, as used in OEBB administrative rules, the following definitions will apply:

(1) "Actuarial value" means the expected financial value for the average member of a particular benefit plan.

(2) "Affidavit of Domestic Partnership" means a document that attests the eligible employee and one other eligible individual meet the criteria in section (13)(b).

(3) "Benefit plan" includes, but is not limited to, insurance or other benefits including:

- (a) Medical;
- (b) Dental;
- (c) Vision;
- (d) Life, disability and accidental death;
- (e) Long term care;
- (f) Flexible spending accounts;
- (g) Supplemental medical, dental and vision;
- (h) Any other remedial care recognized by state law, and related services and supplies;

(i) Comparable benefits for employees who rely on spiritual means of healing; and

(j) Self insurance programs managed by the Board.

(4) "Benefits" means goods and services provided under benefit plans.

(5) "Board" means the ten-member board established in the Department of Administrative Services as the Oregon Educators Benefit Board under chapter 00007, Oregon Laws 2007.

(6) "Comparable cost (Medical, Dental and Vision)" means that the total cost to a district for enrollment in OEBB plans comparable in design to the district's plan(s) do not exceed the total cost to a district for enrollment in the district's plan(s) using the rate(s) in effect or proposed for the benefit plan year.

(7) "Comparable cost (Basic and Optional Life Insurance, Accidental Death & Dismemberment, and Short and Long Term Disability)" means that the premium rates of an OEBB plan design option do not exceed the average, aggregate premium rates of a district's pre-OEBB plan design in effect the year prior to implementation.

(8) "Comparable plan design (Medical, Dental and Vision)" means that the actuarial values of two plan designs are within 2.5 percent higher or lower of each other.

(9) "Comparable plan design (Basic and Optional Life Insurance and Accidental Death & Dismemberment)" means that 90 percent of district employees can obtain a maximum benefit through an OEBB plan design

that is within \$2,500 of the maximum benefit obtained through a pre-OEBB plan design in effect the year prior to implementation.

(10) "Comparable plan design (Short and Long Term Disability)" means 90 percent of the district employees can obtain the same elimination period, percentage of covered compensation, definition of covered compensation, coverage period duration, and maximum payment per benefit period through an OEBB plan design as through a pre-OEBB plan design in effect the year prior to implementation.

(11) "Dependent child" means and includes the following:

(a) An eligible employee's, spouse's, or domestic partner's biological son, daughter, stepson, or stepdaughter; adopted child, child placed for adoption, or legally placed child, who is 25 or younger on the first day of the month. An eligible employee must provide the required custody or legal documents to their Educational Entity showing proof of adoption, legal guardianship or other court order if enrolling a child for whom the employee, spouse, or domestic partner is not the biological parent

(b) A person who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. There is no age limit for a dependent child who is incapable of self-sustaining employment because of a developmental disability, mental illness, or physical disability. When the dependent child is 26 years of age or older all the following requirements must be met:

(A) The disability must have existed before attaining age 26.

(B) The employee must provide evidence to the Educational Entity or OEBB that (1) the person had health plan coverage, group or individual, prior to attaining age 26, and (2) health plan coverage continued without a gap until the OEBB health plan effective date.

(C) The person's attending physician must submit documentation of the disability to the eligible employee's OEBB health insurance plan for review and approval. If the person receives health plan approval, the health plan may review the person's health status at any time to determine continued OEBB coverage eligibility.

(D) The person must not have terminated from OEBB health plan coverage after attaining the age of 26.

(c) Eligibility for coverage under this rule includes people who may not be dependents under federal or state tax law and may require an Educational Entity to adjust an Eligible Employee's income based on the imputed value of the benefit.

(12) "Documented district policies" means Educational Entities' policies and practices that apply to an employee group and are submitted to the Oregon Educators Benefit Board during the plan selection process. Educational Entities' policies and practices must be identified and submitted with the applicable employee group plan selections.

(13) "Domestic partner," unless otherwise defined by a collective bargaining agreement or documented district policy in effect on January 31, 2008, means and includes the following:

(a) An unmarried individual of the same sex who has entered into a "Declaration of Domestic Partnership" with the eligible employee that is recognized under Oregon law; or

(b) An unmarried individual of the same or opposite sex who has entered into a partnership that meets the following criteria:

(A) Both are at least 18 years of age;

(B) Are responsible for each other's welfare and are each other's sole domestic partners;

(C) Are not married to anyone and have not had a spouse or another domestic partner within the prior six months. If previously married, the six-month period starts on the final date of divorce;

(D) Share a close personal relationship and are not related by blood closer than would bar marriage in the State of Oregon;

(E) Have jointly shared the same regular and permanent residence for at least six months; and

(F) Are jointly financially responsible for basic living expenses defined as the cost of food, shelter and any other expenses of maintaining a household. Financial information must be provided if requested.

(G) The eligible employee and domestic partner must jointly complete and submit to the educational entity an Affidavit of Domestic Partnership form, within five business days of the electronic enrollment date or the date the Educational Entity received the enrollment/change form. If the affidavit is not received, coverage will terminate for the domestic partner retroactive to the effective date.

(c) Educational Entities' must calculate and apply applicable imputed value tax for domestic partners covered under OEBB benefit plans.

(14) "Educational Entity" means public school districts (K-12), education service districts (ESDs), community colleges and public charter schools participating in OEBB.

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(15) "Eligible employee" means and includes:

(a) "Active eligible employee" means an employee of an OEBB participating organization who is employed or is in a job-sharing position on a half time or greater basis or meets the definition of an eligible employee under a separate OEBB rule or under a collective bargaining agreement or documented district policy in effect on January 31, 2008.

(b) "Retired eligible employee" means a previously active eligible employee, who is:

(A) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(B) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(C) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in ORS 238A.165; or

(D) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(16) "Employee Group" means employees of a similar employment type, for example administrative, represented classified, non-represented classified, confidential, represented licensed, or non-represented licensed, within an Educational Entity. If one or more collective bargaining unit exists within an employee group, each unit will be considered a separate employee group.

(17) "Members" means and includes the following:

(a) "Eligible employee" as defined by OAR 111-010-0015(15).

(b) "Dependent child" as defined by OAR 111-010-0015(11).

(c) "Domestic Partner" as defined by OAR 111-010-0015(13).

(d) "Spouse" as defined by OAR 111-010-0015(23).

(18) "Non-subject District" means a community college, district or a charter school if the employees are not considered employees of a school district.

(19) "Oregon Educators Benefit Board or OEBB" means the program created under chapter 00007, Oregon Laws 2007.

(20) "OEBB participating organization" means a Subject District, Non-subject District, or Provisional Non-subject District that participates in benefit plans provided by the Oregon Educators Benefit Board (OEBB).

(21) "Provisional Non-subject District" means a common school district, a union high school district, or an education service district that:

(a) was self-insured on December 31, 2006;

(b) had an independent health insurance trust established and functioning on December 31, 2006; or

(c) can provide comparable plan designs at a comparable costs as defined by sections (6) and (8) of this Rule.

(22) "Qualified Status Change (QSC)" means a change in family or work status that allows limited mid-year changes to benefit plans consistent with the individual event.

(23) "Spouse" means a person of the opposite sex who is a husband or wife. Except as provided in Oregon Constitution Article XV, Section 5a, a relationship recognized as a marriage in another state will be recognized in Oregon even though such a relationship would not be a marriage if the same facts had been relied upon to create a marriage in Oregon. The definition of spouse does not include a former spouse and a former spouse does not qualify as a dependent.

(24) "Subject District" means a common school district, a union high school district, or an education service district that:

(a) Did not self-insure on January 1, 2007;

(b) Did not have a health trust in effect on January 1, 2007; or

(c) Does not provide comparable plan designs at a comparable cost as defined by sections (6) and (8) of this Rule.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.860

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 2-2008, f. & cert. ef. 1-4-08; OEBB 10-2008(Temp), f. & cert. ef. 8-13-08 thru 2-6-09; OEBB 1-2009, f. & cert. ef. 1-30-09; OEBB 5-2009(Temp), f. & cert. ef. 3-10-09 thru 9-4-09; OEBB 8-2009, f. & cert. ef. 5-1-09; OEBB 12-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 19-2009, f. & cert. ef. 12-17-09; OEBB 7-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

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Rule Caption: Amends and adopts changes to the Oregon Educators Benefit Board's rules on plan design development and selection.

Adm. Order No.: OEBB 8-2010(Temp)

Filed with Sec. of State: 8-3-2010

Certified to be Effective: 8-3-10 thru 1-29-11

Notice Publication Date:

Rules Adopted: 111-030-0010, 111-030-0035, 111-030-0040, 111-030-0045, 111-030-0050

Rules Amended: 111-030-0005

Rules Suspended: 111-030-0030

Subject: Amendments to OAR 11-030-005 removes specific benefit plan references and makes the rule applicable to all benefit plans offered by OEBB. This rule details the selection process through OEBB. 111-030-0010, 111-003-0035, 111-030-0040 and 111-030-0045 establishes the benefit selection criteria in rule, which previously existed in OEBB policy. 111-030-0050 establishes OEBB's premium Rate Selection Process and Limitations, which previously existed in OEBB policy.

Rules Coordinator: April Kelly—(503) 378-6588

111-030-0005

Benefit Plans Selection through OEBB

(1) As used in this section, "benefit plans" includes medical, dental, pharmaceutical, dental, basic life and accidental death and dismemberment, optional life and AD&D, short and long term disability, long term care and employee assistance program.

(2) OEBB will offer a range of benefit plans that provide the flexibility to choose between a number of high quality plan options.

(3) The process for benefit plans selection includes:

(a) Release of preliminary designs and costs for all benefit plan options to Educational Entities no later than 45 days prior to final selection date. The total number offered may vary each year.

(b) Educational Entities select, or allow each Employee Group to select, the benefit plan options to be offered to each Employee Group.

(c) Benefit plan selections for each Employee Group must be submitted through the MyOEBB Educational Entity plan management section or an approved electronic format to OEBB no later than June 30 each year. Plan submissions must be authorized by an official with the Educational Entity.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868 (1) & 243.872(2)

Hist.: OEBB 8-2008, f. 6-25-08, cert. ef. 6-26-08; OEBB 13-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 20-2009, f. & cert. ef. 12-17-09; OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-030-0010

Medical, Pharmaceutical, Dental and Vision Plan Selection Criteria

(1) Educational Entities may choose or allow up to four medical plans per Employee Group.

(2) Educational Entities may choose or allow one pharmaceutical plan for each OEBB Medical Plans 3 through 8 with the following restrictions:

(a) Pharmacy Plan A only;

(b) Pharmacy Plan B only;

(c) Pharmacy Plan C only;

(d) a combination of Pharmacy Plan A and Pharmacy Plan C;

(e) a combination of Pharmacy Plan B and Pharmacy Plan C.

(f) The pharmacy benefits are included in OEBB Medical Plan 9.

(g) An Educational Entity cannot offer the same OEBB medical plan to an Employee Group as more than one medical plan option, even if it is matched with different pharmacy plans.

(3) Educational Entities may choose or allow up to three OEBB dental plans with or without orthodontia coverage per Employee Group with the following restrictions:

(a) The orthodontia option must be included in all or none of the dental plan selections, with the exception of plans 7 and 8 offered through Willamette Dental.

(b) The HMO dental plan offered through Kaiser Permanente is only available to an Employee Group that selects a medical HMO plan offered through Kaiser Permanente.

(4) Educational Entities may choose or allow one vision plan per Employee Group with the following exception:

(a) an Educational Entity may choose or allow the addition of a vision plan offered through the HMO if the Employee Group selects the medical HMO plan.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1) & 243.872(2)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

ADMINISTRATIVE RULES

111-030-0030

Optional Benefit Plans Selection through OEBB

(1) As used in the section, "optional benefit plans" means basic life and accidental death and dismemberment, optional life and AD&D, and short and long term disability.

(2) As used in the section, "employee group" means employees of similar employment type, for example administrative, represented classified, nonrepresented classified, confidential, represented licensed, or nonrepresented licensed. If one or more collective bargaining unit exists within an employee group, each unit will be considered a separate employee group.

(3) OEBB will offer a range of optional benefit plans that provide the flexibility to choose between a number of high quality plan options.

(4) The process for selection of optional benefit plans offered by OEBB will include:

(a) Release of preliminary designs and premium costs for all optional benefit plan options to participating districts no later than 30 days prior to final selection date. The total number offered may vary each year.

(b) Districts select the optional benefit plans to be offered to each employee group using the OEBB plan selection process.

(c) Plan selections for optional benefit plans must be submitted electronically and a hard copy signed by a district official must be received by OEBB no later than the date designated by OEBB policy each year.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)

Hist.: OEBB 13-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 20-2009, f. & cert. ef. 12-17-09; Suspended by OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-030-0035

Optional Benefit Plans Selection Criteria

(1) Basic Life Insurance — Educational Entities may select or allow one Basic Life plan per Employee Group. Note: Employee Groups may select one Basic Life amount and offer optional life. Basic Life requires 100 percent enrollment if selected.

(2) Basic Accidental Death and Dismemberment (AD&D) — Educational Entities may select or allow one Basic AD&D plan per Employee Group. Note: Employee Groups can select one Basic AD&D plan and offer optional AD&D if desired. The Employee Group must select Basic Life coverage to select a Basic AD&D plan. Basic AD&D requires 100 percent enrollment if selected.

(3) Optional Employee Life Insurance and Optional Employee AD&D — Educational Entities may select or allow Optional Employee Life and Optional AD&D for each Employee Group. No minimum enrollment requirement.

(4) Optional Spouse/Partner Life Insurance and Optional Spouse/Partner AD&D — Educational Entities may select or allow Optional Spouse/Partner Life and Optional Spouse/Partner AD&D coverage for each Employee Group. No minimum enrollment requirement. The Employee Group must offer Optional Employee Life and Optional AD&D to offer this coverage.

(5) Optional Child Life Insurance and Optional Child AD&D — Educational Entities may select or allow Optional Child Life and Optional Child AD&D coverage for each Employee Group. No minimum enrollment requirement. The Employee Group must offer Optional Employee Life and Optional AD&D to offer this coverage.

(6) Optional Early Retiree Life Insurance and Optional Early Retiree AD&D — Educational Entities may select or allow Optional Early Retiree Life and Optional Early Retiree AD&D coverage. No minimum enrollment requirement, but enrollment is limited to initial open enrollment period only and subject to the following restrictions:

(a) Optional Early Retiree Life and Optional Early Retiree AD&D are only available to early retirees who had this coverage as an active employee.

(b) The Educational Entity must offer this coverage for the early retiree to continue enrollment.

(c) When an employee moves from active to retiree status they may select coverage up to the amount they had as an active employee, or decrease coverage. Increases in coverage are not allowed.

(7) Voluntary Short Term Disability (STD) — Educational Entities may select or allow one Voluntary STD plan per Employee Group. No minimum enrollment requirement. The employee pays all or part of the premium. An Employee Group cannot select more than one STD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(8) Mandatory Short Term Disability (STD) — Educational Entities may select or allow one Mandatory STD plan per Employee Group. This plan requires 100 percent enrollment if selected and the premium is

employer-paid. An Employee Group cannot select more than one STD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(9) Mandatory/Employee-paid Short Term Disability (STD) — Educational Entities may select or allow one Mandatory/Employee-paid STD plan per Employee Group. This plan requires 100 percent enrollment and the premium is paid by the employee. An Employee Group cannot select more than one STD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(10) Voluntary Long Term Disability (LTD) — Educational Entities may select or allow one Voluntary LTD plan per Employee Group. No minimum enrollment requirement. The employee pays all or part of the premium. An Employee Group cannot select more than one LTD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(11) Mandatory Long Term Disability (LTD) — Educational Entities may select or allow one Mandatory LTD plan per Employee Group. This plan requires 100 percent enrollment and the premium is employer-paid. An Employee Group cannot select more than one LTD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

(12) Mandatory/Employee-paid Long Term Disability (LTD) — Educational Entities may select or allow one Mandatory/Employee-paid LTD plan per Employee Group. This plan requires 100 percent enrollment and the premium is paid by the employee. An Employee Group cannot select more than one LTD Plan (Voluntary, Mandatory, or Mandatory/Employee-paid).

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1) & 243.872(2)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-030-0040

Long Term Care (LTC) Benefit Plan Selection Criteria

Educational Entities may select or allow LTC options to be available for or to each Employee Group. OEBB offers employer-paid and employer-paid LTC options.

(1) Employee-paid LTC is a voluntary plan where members can choose to enroll. No minimum enrollment requirement.

(2) Employer-paid LTC requires 100 percent enrollment if selected.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1) & 243.872(2)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-030-0045

Employee Assistance Program (EAP) Plan Selection Criteria

(1) Educational Entities may select or allow an EAP option to be available to all Entity employees including, but not limited to, OEBB benefit-eligible employees and their dependents.

(2) Entity employees will be automatically enrolled in the EAP if an Educational Entity chooses to provide an EAP.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1), 243.872(2)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-030-0050

Premium Rate Structure Selection Process and Limitations

(1) Educational Entities may choose a composite or tiered rate structure for each Employee Group for medical, dental and vision coverage. The rate structure selected for each coverage type applies to all individuals electing to participate as active employees.

(2) Educational Entities may select a composite or tiered rate structure for early retirees.

(3) Educational Entities may select a composite or tiered rate structure for part-time employees of an Employee Group. If a different rate structure is used for part-time employees that structure must apply to all participating part-time employees within that Employee Group.

(4) Rate structures must be selected during the plan selection process.

(5) Once an Educational Entity elects a change in rate structure for a type of coverage within an Employee Group, the rate structure selection cannot be changed for at least three plan years. The rate structure change will go into effect at the next plan year anniversary, October 1.

(6) Educational Entities who offered LTD on a composite rate structure prior to moving to OEBB coverages can continue to do so for two plan years, 2009–2010 and 2010–2011.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1) & 243.872(2)

Hist.: OEBB 8-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

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Rule Caption: Amended to update terms used by OEBB, clarify a coverage effective date and add Long Term Care.

ADMINISTRATIVE RULES

Adm. Order No.: OEBB 9-2010(Temp)

Filed with Sec. of State: 8-3-2010

Certified to be Effective: 8-3-10 thru 1-29-11

Notice Publication Date:

Rules Amended: 111-040-0001, 111-040-0015, 111-040-0025, 111-040-0030, 111-040-0040, 111-040-0050

Subject: OAR 111-040-0001 is amended to clarify the effective date of certain optional benefit plans that are subject to Evidence of Insurability by the carrier and update terms used by OEBB. 111-040-0015, 111-040-0025, 111-040-0030 and 111-040-0050 updates terms used by OEBB. 111-040-0040 is amended to specify when a QSC can be used for Long Term Care.

Rules Coordinator: April Kelly—(503) 378-6588

111-040-0001

Effective Dates

(1) Benefit plan changes or initial elections, unless otherwise specified in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective on the later of:

(a) The first of the month following a completed online enrollment in the OEBB benefit management system or submission of a paper enrollment or change form, or

(b)(A) The first of the month following the date of hire or the date of eligibility with the following exception:

(B) The first of the month following approval of Evidence of Insurability for Optional Life Insurance above the guarantee issue amount, Long Term Disability, or Long Term Care insurance.

(2) Covered dependent changes are effective the first of the month following the date of the event causing the dependent to be eligible under OEBB administrative rules with the following exceptions:

(a) Coverage for a newborn child is effective on the date of birth. The active eligible employee must add the newborn child to their benefit plans within 60 calendar days from the date of birth in order for the newborn child to be eligible for benefit coverage.

(b) Coverage for a newly adopted child is effective the date of the adoption decree or date of placement for adoption. The active eligible employee must add the adopted child to their benefit plans within 60 calendar days from the date of the decree or placement in order for the newly adopted child to be eligible for benefit coverage; and

(A) The active eligible employee must submit the adoption agreement with the enrollment forms to the Educational Entity.

(B) Claims payments will not be made for expenses incurred prior to the date of decree or placement.

(C) Coverage for a dependent child by affidavit as defined in OEBB administrative rules starts the first of the month following receipt of the affidavit by the district benefits administrator.

(D) The first of the month following approval of Evidence of Insurability for Optional Spouse/Domestic Partner Life insurance above the guaranteed issue amount, if applicable, or Long Term Care Insurance.

(3) Elections made during an open enrollment period are effective on the first day of the new plan year.

Stat. Auth: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-040-0015

Removing an Ineligible Individual from Benefit Plans

(1) An active eligible employee is responsible for removing ineligible spouses, domestic partners and dependent children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their district benefits administrator. An ineligible individual must be removed from OEBB-sponsored benefit plans within 31 calendar days of the date the individual becomes ineligible. Coverage ends on the date identified under OAR 111-040-0005.

(2) An active eligible employee ending a domestic partnership by affidavit must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the district benefits administrator within 31 calendar days of the event for removal of the domestic partner and domestic partner's dependent children from their benefit plan. Benefit coverage for the domestic partner and domestic partner's dependent children ends on the last day of the month that eligibility is lost.

(3) An Educational Entity is responsible for removing ineligible individuals from the OEBB benefits management system. Ineligible individu-

als must be removed from coverage under OEBB-sponsored benefit plans retroactive to the end of the month when eligibility was lost.

(4) The active eligible employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility at the carriers discretion. Premium adjustments will be made retroactively based on when the ineligible individual was reported to the Educational Entity benefits administrator.

(a) Ineligible individuals reported within 90 calendar days after the month eligibility was lost will result in premium adjustments retroactive to the first of the month following the loss of eligibility.

(b) Ineligible individuals reported more than 90 calendar days after the month eligibility was lost will result in premium adjustments for the month the ineligible individual was reported and the two previous months.

(5) OEBB shall conduct audits to determine the eligibility status of dependents of eligible active employees covered under OEBB-sponsored benefit plans. If requested, documentation certifying the eligibility of covered dependents must be provided.

Stat. Auth: 2007 OL Ch. 7

Stats. Implemented: 2007 OL Ch. 7, Sec. 3

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-040-0025

Correcting Enrollment and Processing Errors

(1) Employee Enrollment Errors. Enrollment errors occur when an active eligible employee provides incorrect information or fails to make correct selections when making benefit plan elections. The active eligible employee is responsible for identifying enrollment errors or omissions.

(a) OEBB authorizes Educational Entities to correct enrollment errors reported by the active eligible employee within 60 calendar days of the original eligibility date, open enrollment period end date, or midyear benefit plan change date. Corrections are retroactive to the original effective date as identified in OAR 111-040-0001.

(b) Enrollment errors identified after 60 calendar days of the eligibility date, open enrollment period end date or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001.

(2) Benefit Administrator Processing Errors. Processing errors or omissions occur when benefit plan elections are processed incorrectly in the benefit system or when a newly-eligible active eligible employee does not receive correct enrollment information or materials within 31 calendar days of the eligibility date.

(a) OEBB authorizes Educational Entities to correct processing errors identified within 60 calendar days of the eligibility date, open enrollment period end date, or Qualified Status Change date. Corrections are retroactive to the original effective date as identified in OAR 111-040-0001. The Educational Entity must reconcile all premium discrepancies.

(b) Processing errors identified after 60 calendar days of the eligibility date, open enrollment period end date, or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001. The Educational Entity must reconcile all premium discrepancies within 30 calendar days of any adjustments made in the system.

Stat. Auth: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-040-0030

Late Enrollment

(1) Late enrollment occurs when an active eligible employee fails to enroll for benefits within 31 calendar days of:

(a) The date of hire or other benefit eligibility date as identified in OAR 111-040-0001;

(b) The date a spouse, domestic partner, or dependent child gains eligibility;

(c) The date of marriage to a spouse who was most recently enrolled as a domestic partner; or

(d) The date of birth of the employee's biological newborn dependent child.

(2) OEBB authorizes Educational Entities to approve late enrollment requests for active eligible employees and dependents when the request is reported within 60 calendar days of the eligibility dates referenced in sections (1)(a), (1)(b), (1)(c) and (1)(d).

ADMINISTRATIVE RULES

(3) OEBB must review and approve all late enrollment requests based on OAR 111-080-0030 when the request is made more than 60 calendar days after the eligibility dates referenced in sections 1a, 1b, 1c and 1d.

(4) Approved late enrollment requests, unless determined otherwise in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective the first of the month following the date the request is received by a district benefits administrator or OEBB, except for approved requests to add newborn children which are retroactive to the month the child was born along with any premium adjustments.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a), 243.868(1)

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-040-0040

Qualified Status Changes (QSC)

(1) Active eligible employees experiencing a change in family or work status as noted below during the plan year have 31 calendar days from the date of the event to make changes unless indicated otherwise. The eligible employee may make only those changes that are consistent with the event for themselves and dependents. Please refer to the OEBB QSC matrix for details on what changes can occur with each event.

(2) Change in status. Events include:

(a) Gain spouse by marriage or domestic partner by meeting domestic partner eligibility;

(b) Loss of spouse or domestic partner by divorce, annulment, death or termination of domestic partnership, 60 days from the event;

(c) Gain dependent by birth, placement for/or adoption, affidavit of dependency or Domestic Partner's children (by affidavit of domestic partnership), 60 days from the event;

(d) Active eligible employee starts new employment and gains eligibility;

(e) Change in employment status by active eligible employee which affects eligibility;

(f) Active eligible employee ends employment or other change in employment status resulting in a loss of eligibility;

(g) Spouse or domestic partner starts new employment or other change in employment status which affects eligibility;

(h) Spouse or domestic partner's employment ends or other change in employment status resulting in a loss of eligibility under their employer's plan;

(i) Event by which dependent child satisfies eligibility requirements under OEBB plans (for a list of requirements see 111-010-0015);

(j) Event by which dependent ceases to satisfy eligibility requirements under OEBB plans (for a list of requirements see 111-010-0015), 60-days from the event;

(k) Changes in the residence of the active eligible employee or family member (i.e., moving out of the service area of an HMO);

(l) Reinstatement of coverage. Reinstatement can be used in the following situations:

(A) Military (USERRA).

(B) When coverage was continued under COBRA.

(C) When coverage was terminated in error and there is no lapse in coverage.

(m) Significant changes in cost of the eligible employee's or early retiree's current plan and tier level that result in a negative impact of 10 percent or more to:

(A) The amount an active eligible employee or early retiree must contribute toward benefits.

(B) The amount a spouse or domestic partner must contribute toward his or her group health insurance plan cost.

(n) Related laws or court orders. For example: Qualified Medical Child Support Order (QMSCO), Medicare, HIPAA, or Family Health Insurance Assistance Program (FHIAP). Changes are determined by the applicable law or court order.

(3) Changes in coverage, or contribution amounts that result in a reduced amount that an employee or eligible dependent must contribute toward benefits, do not constitute a Qualified Status Change.

(4) The following applies to the Long Term Care benefit plans only:

(a) Cancel the plan at anytime without a QSC event.

(b) Plan additions or changes require a QSC event as defined 111-040-0040(2). The addition of a plan or change in plans with a QSC is subject to a medical evidence review by the LTC carrier.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864

Hist.: OEBB 14-2008, f. & cert. ef. 8-15-08; OEBB 10-2009(Temp), f. 5-4-09, cert. ef. 5-5-09 thru 10-31-09; OEBB 11-2009, f. & cert. ef. 7-31-09; OEBB 17-2009(Temp), f. & cert.

ef. 10-7-09 thru 4-4-10; OEBB 22-2009, f. & cert. ef. 12-17-09; OEBB 2-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; OEBB 6-2010, f. & cert. ef. 8-3-10; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-040-0050

Declination of Coverage

As used in this section: "Opting out of coverage" means that an individual elects not to enroll in a medical plan and is eligible to receive a portion of the cash contribution or other type of remuneration as provided for under a collective bargaining agreement, documented district policy, or employment contract. "Waiving benefits" means that an individual elects not to enroll in any one of the benefit plans available under the OEBB-sponsored benefits program and is not eligible to receive any portion of a cash contribution or other type of remuneration.

(1) Unless otherwise specified in a collective bargaining agreement, documented district policy or employment contract in effect on July 1, 2008, an eligible employee may opt out of the OEBB-sponsored medical benefit plans. Eligible employees electing to opt out must:

(a) Maintain coverage under another employer-sponsored group medical benefit plan;

(b) Meet the requirements of the district opt out program in which they are participating;

(c) Submit their election to opt out through the OEBB benefit management system; and

(d) If requested, provide proof of current coverage under another employer-sponsored group medical benefit plan.

(2) Eligible employees electing to opt out of the OEBB-sponsored medical benefit plans may enroll in the dental benefit plans, vision benefit plans, and optional benefit plans.

(3) The level and type of funds and allowances retained by eligible employees and districts as a result of opt out programs are determined through collective bargaining agreements and documented district policies.

(4) An Educational Entity will provide OEBB with a written description of its opt out program upon request.

(5) An eligible employee may waive medical, dental and vision or any combination of benefits provided under the OEBB-sponsored benefits program.

(6) Elections to opt out of the medical benefit plans or waive benefits must be made at the time of hire, when initially meeting eligibility, during an open enrollment period, or following a QSC event.

(7) An eligible employee previously opting out of coverage or waiving benefits may enroll in benefit plans consistent with a QSC event or during an open enrollment period.

(a) Coverage for previously OEBB-eligible employees or a previously OEBB-eligible dependent enrolling in the dental and/or vision plans during an open enrollment period will be limited to routine and preventive care for the first 12 months and subject to a 12-month waiting period for orthodontia coverage.

(b) Eligible employees who enroll in the dental or vision plans, or add previously OEBB-eligible dependents to the dental and vision plans, due to a loss of other coverage will not be subject to waiting periods.

(8) Eligible employees electing to not enroll when initially eligible for optional insurance plans will have to go through a medical review process to obtain optional life insurance.

Stat. Auth.: ORS 243.860 - 243.886

Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)

Hist.: OEBB 9-2008, f. 6-25-08, cert. ef. 6-26-08; OEBB 14-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 21-2009, f. & cert. ef. 12-17-09; OEBB 9-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

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Rule Caption: Amended to update and clarify language relating to OEBB's eligible retired employee, clarify terms and add Long Term Care.

Adm. Order No.: OEBB 10-2010(Temp)

Filed with Sec. of State: 8-3-2010

Certified to be Effective: 8-3-10 thru 1-29-11

Notice Publication Date:

Rules Amended: 111-050-0010, 111-050-0016, 111-050-0020, 111-050-0025, 111-050-0030, 111-050-0035, 111-050-0050, 111-050-0060, 111-050-0065, 111-050-0070, 111-050-0075, 111-050-0080

Subject: OAR 111-050-0010, 111-050-0016, 111-050-0020 clarifies language relating to retired eligible employees. 111-050-0025, 111-050-0030, 111-050-0035, 111-050-0050, 111-050-0060, 111-050-

ADMINISTRATIVE RULES

0065, 111-050-0070 and 111-050-0075 updates terms used by OEBB. 111-050-0080 is amended to add long Term Care.

Rules Coordinator: April Kelly—(503) 378-6588

111-050-0010

Eligibility for Retiree Insurance Coverage

(1) An eligible retired employee and their eligible dependents enrolled in an OEBB benefit plan or district benefit plan for active employees may continue participation in any OEBB retiree dental, vision, life or accidental death and dismemberment insurance plan or plans available to his or her Employee Group if selected by an Educational Entity. Insurance coverage under the OEBB or district active benefit plans, as an employee or as a dependent of an employee, and retiree benefit plans must be continuous.

(2) Eligible retired employees and eligible dependents not yet eligible for Medicare will have the option to continue enrollment in an OEBB retiree medical plan. Insurance coverage under the OEBB or district active benefit plan, as an employee or as a dependent of any employee, and the retiree benefit plan must be continuous.

(3) A retired employee must be:

(a) Receiving a service or disability retirement allowance or pension under the Public Employees Retirement System (PERS) or under any other retirement or disability benefit plan or system offered by an OEBB participating organization for its employees;

(b) Eligible to receive a service retirement allowance under PERS and has reached earliest retirement age under ORS Chapter 238;

(c) Eligible to receive a pension under ORS 238A.100 to 238A.245 and has reached earliest retirement age as described in 238A.165; or

(d) Eligible to receive a service retirement allowance or pension under another retirement benefit plan or system offered by an OEBB participating organization and has reached earliest retirement age under the plan or system.

(4) A retired eligible employee may continue medical, dental, vision, optional life and accidental death and dismemberment coverage for themselves only or may continue to cover any eligible dependents who were enrolled in the employee's active plan immediately prior to the retirement as long as the coverage and plan options are included in the plans offered by the Educational Entity.

(5) Basic life and basic accidental death and dismemberment requires 100 percent mandatory enrollment unless otherwise specified in a collective bargaining agreement in effect on or before September 30, 2009, and the Educational Entity can provide documentation that supports the administration of this benefit.

(6) A former eligible employee who elects COBRA and is also eligible for retiree benefits or later becomes eligible as a retired employee will have the right to transfer the COBRA medical, dental, and vision insurance coverage to the OEBB retiree benefit plans at any time during COBRA or within 30 days of the COBRA end date. Insurance coverage under the OEBB active, COBRA and retiree benefit plans must be continuous.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303

Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)

Hist.: OEBB 2-2007(Temp), f. & cert. ef. 9-21-07 thru 3-18-08; OEBB 7-2008, f. & cert. ef. 4-15-08; OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0016

Life and Accidental Death and Dismemberment Termination Dates for Retirees

(1) Retired employees may continue to participate in any or all coverage and plan options selected by the Educational Entity for his or her Employee Group until they reach age 65, unless otherwise specified in a documented district policy or collective bargaining agreement effective on or before February 1, 2010.

(2) Retirees or dependents of retirees who lose eligibility for basic or optional life insurance plans due to reaching age 65 can convert their coverage if requested within 31 days of the date the coverage ends.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303

Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)

Hist.: OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0020

Initial Enrollment

(1) A retired eligible employee has 60 calendar days from the end date of active eligible employee insurance coverage to:

(a) Continue enrollment in OEBB-sponsored medical, dental, vision, basic life, basic accidental death and dismemberment, optional life and

optional accidental death and dismemberment plans with the same eligible dependents as active enrollment if the plan(s) is offered by the Educational Entity.

(b) Disenroll eligible dependents covered during active enrollment. Once a retiree drops eligible dependents the retiree cannot re-enroll in OEBB-sponsored plans.

(c) Disenroll in any or all plans. Once a retiree drops coverage the retiree cannot re-enroll.

(2) All coverage and dependent enrollments must be continuous from the date the active coverage ends.

(3) Coverage not elected at the time of initial eligibility for early retiree benefits cannot be added at a later date.

(4) Retired eligible employees may choose to continue enrollment in an OEBB-sponsored medical plan, dental plan, basic life, basic accidental death and dismemberment, optional life, or optional accidental death and dismemberment plan, or any combination of these, unless determined otherwise by a collective bargaining agreement or documented district policy with the following restrictions:

(a) The retiree must enroll in an OEBB-sponsored medical plan to continue an OEBB-sponsored vision plan; and

(b) The retiree must enroll in an OEBB-sponsored optional life or optional accidental death and dismemberment plan to continue optional spouse or dependent life or accidental death and dismemberment, respectively.

(c) The Educational Entity offers the plan(s) to their retiree group.

Plan Change Periods

(5) OEBB will offer an annual plan change period for retired eligible employees.

(6) A retired eligible employee can change benefit plans consistent with members of their former active Employee Group.

(7) A retired eligible employee may not add dependents or enroll in coverage(s) he or she did not select during the initial enrollment period.

(8) A retired eligible employee may choose to reduce the amount of optional life and optional accidental death and dismemberment coverage for themselves and/or their dependents, but may not increase coverage in these plans.

Qualified Status Changes (QSC)

(9) A retired eligible employee may make midyear changes consistent with the OEBB QSC Matrix.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303

Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)

Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0025

Effective Dates

(1) Benefit plan changes or initial elections, unless otherwise specified in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective on the later of:

(a) The first of the month following a completed online enrollment in the OEBB benefit management system or submission of a paper enrollment or change form,

(b) The first of the month following the date of eligibility; or

(c) The first of the month following the approval date of additional optional life insurance requested above the guarantee issue amount.

(2) Covered dependent changes are effective the first of the month following the date of the event causing the dependent to be eligible under OEBB administrative rules with the following exceptions:

(a) Coverage for a newborn child is effective on the date of birth. Retired eligible employee must add the newborn child to their benefit plans within 60 calendar days from the date of birth for the newborn child to be eligible for benefit coverage.

(b) Coverage for a newly adopted child is effective the date of the adoption decree or date of placement for adoption. Retired eligible employee must add the adopted child to their benefit plans within 60 calendar days from the date of the decree or placement for the newly adopted child to be eligible for benefit coverage; and

(A) The retired eligible employee must submit the adoption agreement with the enrollment forms to the Educational Entity.

(B) Claims payments will not be made for expenses incurred prior to the date of decree or placement.

(c) Coverage for a dependent child by affidavit as defined in OEBB administrative rules starts the first of the month following receipt of the affidavit by the district benefits administrator.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303

Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)

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Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEBB 1-2010, f. & cert. ef. 2-1-10; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0030

Correcting Enrollment and Processing Errors

(1) Employee Enrollment Errors. Enrollment errors occur when a retired eligible employee provides incorrect information or fails to make correct selections when making benefit plan changes. The retired eligible employee is responsible for identifying enrollment errors or omissions.

(a) OEBB authorizes Educational Entities to correct enrollment errors reported by the retired eligible employee within 60 calendar days of the original eligibility date, annual plan change period end date, or midyear benefit plan change date. Corrections are retroactive to the original effective date as identified in OAR 111-040-0001.

(b) Enrollment errors identified after 60 calendar days of the eligibility date, annual plan change period end date or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001.

(2) Benefit Administrator Processing Errors. Processing errors or omissions occur when benefit plan changes are processed incorrectly in the benefit system.

(a) OEBB authorizes Educational Entities to correct processing errors identified within 60 calendar days of the eligibility date, annual plan change period end date, or midyear benefit plan change date. Corrections are retroactive to the original effective date as identified in OAR 111-040-0001. The Educational Entities must reconcile all premium discrepancies.

(b) Processing errors identified after 60 calendar days of the eligibility date, annual plan change period end date, or midyear benefit plan change date must be submitted to OEBB for review and approval based on OAR 111-080-0030. If approved, corrections are retroactive to the original effective date as identified in 111-040-0001. The Educational Entity must reconcile all premium discrepancies within 30 calendar days of any adjustments made in the system.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303
Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)
Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0035

Late Enrollment

(1) Late enrollment occurs when a retired eligible employee fails to enroll for benefits within 60 days of retirement or fails to add an eligible dependent within 31 calendar days of:

(a) The date a spouse, domestic partner, or dependent child gains eligibility;

(b) The date of marriage to a spouse who was most recently enrolled as a domestic partner; or

(c) The date of birth of the retired eligible employee's biological newborn dependent child.

(2) OEBB authorizes Educational Entities to approve late enrollment requests for retired eligible employees and dependents when the request is reported within 60 calendar days of the eligibility dates referenced in sections (1)(a), (1)(b), and (1)(c).

(3) OEBB must review and approve all late enrollment requests based on OAR 111-080-0030 when the request is made more than 60 calendar days after the eligibility dates referenced in sections (1)(a), (1)(b), and (1)(c).

(4) Approved late enrollment requests, unless determined otherwise in a collective bargaining agreement or documented district policy in effect on June 30, 2008, are effective the first of the month following the date the request is received by a district benefits administrator or OEBB, except for approved requests to add newborn children which are retroactive to the month the child was born along with any premium adjustments.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303
Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)
Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0050

Removing an Ineligible Individual from Benefit Plans

(1) A retired eligible employee is responsible for removing ineligible spouses, domestic partners and dependent children from their OEBB-sponsored benefit plans by submitting completed, applicable forms to their district benefits administrator. An ineligible individual must be removed from OEBB-sponsored benefit plans within 31 calendar days of the date the indi-

vidual becomes ineligible. Coverage ends on the date identified under OAR 111-050-0045.

(2) A retired eligible employee ending a domestic partnership by affidavit must complete and submit a Termination of Domestic Partnership form and enrollment update forms to the district benefits administrator within 31 calendar days of the event for removal of the domestic partner and domestic partner's dependent children from their benefit plan. Benefit coverage for the domestic partner and domestic partner's dependent children ends on the last day of the month that eligibility is lost.

(3) An Educational Entity is responsible for removing ineligible individuals from the OEBB benefits management system. Ineligible individuals must be removed from coverage under OEBB-sponsored benefit plans retroactive to the end of the month when eligibility was lost.

(4) The retired eligible employee may be responsible for claims previously paid by the benefit plans to the providers during the period of ineligibility. Premium adjustments will be made retroactively based on when the ineligible individual was reported to the district benefits administrator.

(a) Ineligible individuals reported within 90 calendar days after the month eligibility was lost will result in premium adjustments retroactive to the first of the month following the loss of eligibility.

(b) Ineligible individuals reported more than 90 calendar days after the month eligibility was lost will result in premium adjustments for the month the ineligible individual was reported and the two previous months.

(5) OEBB may conduct audits to determine the eligibility status of dependents of retired eligible employees covered under OEBB-sponsored benefit plans. If requested, documentation certifying the eligibility of covered dependents must be provided.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303
Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)
Hist.: OEBB 13-2008(Temp), f. & cert. ef. 8-15-08 thru 2-11-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0060

Continuation of Coverage for Eligible Employees Covered under the Federal Family Medical Leave Act

OEBB will allow Educational Entities to continue medical, dental and vision coverage for Active Eligible Employees and covered dependents granted leave under the Federal Family Medical Leave Act (FMLA) as required under related federal rules and regulations.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303
Stats. Implemented: ORS 243.864(1)(a), 243.868(1)
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0065

Continuation of Coverage for Eligible Employees Covered under the Oregon Family Leave Act

OEBB will allow Educational Entities to continue medical, dental and vision coverage for Active Eligible Employees and covered dependents granted leave under the Oregon Family Leave Act (OFLA) as required under related state rules and regulations.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303
Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0070

Continuation of Coverage for Eligible Employees during an Approved Leave of Absence.

OEBB will allow Educational Entities to continue medical, dental and vision coverage for Active Eligible Employees and covered dependents granted a leave of absence based on collective bargaining agreements and/or documented district policies in effect on or before October 1, 2008.

Stat. Auth.: ORS 243.860 - 243.886
Stats. Implemented: ORS 243.864(b), 243.866(7), 659A.060 - 659A.069 & 743.600 - 743.602
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

111-050-0075

Continuation of coverage for Eligible Employees on Active Military Service

OEBB will allow Educational Entities to continue medical, dental, and vision coverage for Active Eligible Employees and covered dependents as required under the Uniformed Services Employment and Reemployment Rights Act (USERRA) and related federal rules and regulations.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303
Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)
Hist.: OEBB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09; OEBB 3-2009, f. & cert. ef. 1-30-09; OEBB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

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111-050-0080

Portability and Conversion of Coverage

(1) OEGB medical, life and accidental death and dismemberment carrier(s) will make portability plans available to members in accordance with related state and federal laws, rules and regulations. Eligibility criteria for this coverage can be found in carrier member handbooks.

(2) OEGB life insurance carrier(s) will make conversion plans available to members in accordance with related state and federal laws, rules and regulations. Eligibility criteria for this coverage can be found in the carrier's member handbook.

(3) OEGB long term care carrier(s) will transfer the coverage from a Group Long Term Care to an Individual Long Term Care policy and premiums will be paid directly to the carrier.

Stat. Auth.: ORS 243.860 - 243.886 & 243.303

Stats. Implemented: ORS 243.864(1)(a) & 243.868(1)

Hist.: OEGB 16-2008(Temp), f. & cert. ef. 10-16-08 thru 4-13-09; OEGB 3-2009, f. & cert. ef. 1-30-09; OEGB 15-2009(Temp), f. & cert. ef. 7-31-09 thru 1-26-10; OEGB 1-2010, f. & cert. ef. 2-1-10; OEGB 10-2010(Temp), f. & cert. ef. 8-3-10 thru 1-29-11

Department of Agriculture

Chapter 603

Rule Caption: Updates Laboratory Fee Schedule for Official, Regulatory and Services Samples.

Adm. Order No.: DOA 13-2010

Filed with Sec. of State: 8-9-2010

Certified to be Effective: 8-9-10

Notice Publication Date: 7-1-2010

Rules Amended: 603-052-1150

Subject: The proposed amendment would add a fee to the existing Laboratory testing fee schedule for molecular analysis of regulated pests. Currently, there is no set fee for testing samples for regulated pests using molecular analysis. The remaining fees would stay unchanged.

Rules Coordinator: Sue Gooch—(503) 986-4583

603-052-1150

Laboratory Fees for Official, Regulatory and Service Samples

(1) The following fees and charges are established for laboratory or other testing services including sample processing, analysis and issuance of certificates or official reports. The basic fee for official, regulatory, and service samples is established at \$70.00 per hour, with a minimum fee of \$35.00.

(2) The fees and charges for specific routine tests are:

(a) Spore wash and microscopic examination per fungal species — \$50;

(b) Fifty-seed stain and immunoblot for endophyte — \$85;

(c) Seed, soil, or tissue test for nematodes — \$35;

(d) Visual exam for regulated pests — \$60 for pesticide treated seed and \$50 for untreated seed;

(e) Visual exam for regulated contaminants — \$45;

(f) Visual exam for regulated pests and regulated contaminants — \$70;

(g) Isolation on standard media — \$35;

(h) Growing media pH and conductivity — \$35;

(i) Seed grow out for bacteria — \$140;

(j) ELISA for virus detection in seed — \$140.;

(k) Molecular analysis for regulated pests — \$140.

Stat. Auth.: ORS 561, 571 & 632

Stats. Implemented: ORS 561.190, 571.145 & 632.940

Hist.: DOA 9-2003, f. & cert. ef. 1-14-03; DOA 10-2006, f. & cert. ef. 3-22-06; DOA 13-2010, f. & cert. ef. 8-9-10

Department of Consumer and Business Services,

Building Codes Division

Chapter 918

Rule Caption: Clarifies the administration and conditions for use of the electronic permitting system.

Adm. Order No.: BCD 11-2010(Temp)

Filed with Sec. of State: 8-3-2010

Certified to be Effective: 8-3-10 thru 9-30-10

Notice Publication Date:

Rules Adopted: 918-050-0850

Subject: The proposed temporary rule clarifies the administration of the statewide electronic permitting (ePermitting) system. It sets forth

the responsibilities of contractors using the system and clarifies that misuse of the system can potentially subject the contractor to sanctions. Possible sanctions include: losing the ability to use the ePermitting system, civil penalties, and suspension or revocation of individual licenses.

Rules Coordinator: Stephanie Snyder—(503) 373-7438

918-050-0850

Administration of Electronic Permitting

(1) As used in this rule, unless context requires otherwise:

(a) "Electronic permitting" means the Oregon eBuildingPermits system implemented under ORS 455.095.

(b) "Contractor" means a person holding a Construction Contractors Board license and, if applicable, a contractor license issued by the division.

(c) "Department" means the Department of Consumer and Business Services.

(d) "Division" means the Building Codes Division of the Department of Consumer and Business Services.

(e) "In good standing" means a person currently licensed as a contractor who has no outstanding penalties due and owing to the division, the department, the Construction Contractors Board, or any other state for violations of construction standards, permitting requirements, or any construction related licensing or certification standards.

(f) "Public User" means a person who accesses the electronic permitting system through the internet and has either created an account to apply for permits through the system or uses the system to search for information.

(g) "State Portal" means the public access portion of the electronic permitting system.

(2) The following persons are eligible to utilize the state portal to access the electronic permitting system:

(a) Contractors in good standing;

(b) Persons designated by a contractor in good standing; and

(c) Public users.

(3)(a) Where the division finds a contractor, public user, or any other person has provided inaccurate, false, or misleading information when using the state portal, including but not limited to information regarding appropriate licenses, certifications, or plan review, the division may prohibit the registered public user, designated person, or contractor from using the state portal for a length of time to be determined by the division; and

(b) In addition to prohibiting use of the state portal, the division may take any additional action it considers appropriate, including civil penalties, and suspension, revocation, conditioning, or denial of division licenses, or take any actions as allowed under any provision of ORS 455.125, 455.127, or 455.129.

(4) Contractors sanctioned under any provision of ORS 455.125, 455.127, or 455.129 may be prohibited from using the state portal for a period of time to be determined by the division.

Stat. Auth.: ORS 455.095 & 455.097

Stats. Implemented: ORS 455.095, 455.097, 455.125 & 455.129

Hist.: BCD 11-2010(Temp), f. & cert. ef. 8-3-10 thru 9-30-10

Department of Consumer and Business Services,

Division of Finance and Corporate Securities

Chapter 441

Rule Caption: Amend the "Accredited Investor" rule definition to conform to recent federal law changes.

Adm. Order No.: FCS 9-2010(Temp)

Filed with Sec. of State: 8-2-2010

Certified to be Effective: 8-3-10 thru 1-30-11

Notice Publication Date:

Rules Amended: 441-035-0010

Subject: The "accredited investor" definition under OAR 441-035-0010(5) is amended to exclude the value of an investor's primary residence from the \$1 million net worth calculation. The amended definition reflects the modification of the federal "accredited investor" definition under the Dodd-Frank Act.

Rules Coordinator: Shelley Greiner—(503) 947-7484

441-035-0010

Accredited Investor

For purposes of ORS 59.035(5) accredited investor includes:

(1) Any bank as defined in Section 3(a)(2) of the Securities Act of 1933 (the "Act"), or any savings and loan association or other institution as defined in Section 3(a)(5)(A) of the Act whether acting in its individual or

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fiduciary capacity; any broker or dealer registered pursuant to Section 15 of the Securities Exchange Act of 1934; any insurance company as defined in Section 2(13) of the Act; any investment company registered under the Investment Company Act of 1940 or a business development company as defined in Section 2(a)(48) of the Investment Company Act of 1940; any small business investment company licensed by the U.S. Small Business Administration under Section 301(c) or (d) of the Small Business Investment Act of 1958; any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; any employee benefit plan within the meaning of Title 1 of the Employee Retirement Income Security Act of 1974 ("ERISA"), if the investment decision is made by a plan fiduciary, as defined in Section 3(21) of ERISA, which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000 or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors.

(2) Any private business development company as defined in Section 202(a)(22) of the Investment Advisers Act of 1940.

(3) Any organization described in Section 501(c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000.

(4) Any director, executive officer, or general partner of the issuer of the securities being offered or sold or any director, executive officer, or general partner of a general partner of that issuer.

(5) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of the purchase exceeds \$1,000,000, excluding the value of the primary investor's primary residence.

(6) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years or joint income with that person's spouse in excess of \$300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year.

(7) Any trust, with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in 17 CFR 230.506(b)(2)(ii).

(8) Any entity in which all of the equity owners are accredited investors.

Stat. Auth.: ORS 59.285

Stats. Implemented: ORS 59.035(5)

Hist.: CC 12-1985(Temp), f. & ef. 11-25-85; CC 1-1987, f. & ef. 2-4-87; FCS 8-1988(Temp), f. & cert. ef. 4-11-88; Renumbered from 815-030-0042; FCS 14-1988, f. & ef. 10-10-88; FCS 5-1990, f. & cert. ef. 8-21-90; FCS 9-2010(Temp), f. 8-2-10, cert. ef. 8-3-10 thru 1-30-11

Department of Consumer and Business Services, Insurance Division Chapter 836

Rule Caption: Creates process for waiver of 95 percent retention rate requirements for association health plans.

Adm. Order No.: ID 13-2010

Filed with Sec. of State: 7-28-2010

Certified to be Effective: 7-28-10

Notice Publication Date: 6-1-2010

Rules Amended: 836-053-0081

Rules Repealed: 836-053-0081(T)

Subject: This rule replaces temporary amendments to OAR 836-053-0081 adopted April 22, 2010. The permanent rule creates the process and criteria the Director of the Department of Consumer and Business Services will use to consider a request to waive the 95 percent retention rate requirements of ORS 743.734. Under Oregon law (ORS 743.734), an association health plan must retain 95 percent of its enrollees in order to be exempt from small employer group rating laws. An association health plan that fails to meet this requirement has 12 months within which to correct the deficiency in retention. If the association fails to correct the deficiency the association health plan must be rated under small group rating laws.

The rule requires association health plans seeking a waiver to submit a written request to the director between the 3rd and 6th month of the 12-month correction period. With the request for waiver, the association health plans must submit information about the small employer groups covered by the association plan and why some

groups left the association plan. The information required will allow the director to understand why the association failed to meet the retention rate and whether the association engaged in any practice that caused, or was designed to cause, any small employer group to terminate coverage under the plan.

The rules establish the criteria the director must use in considering the waiver request and within 90 days after the director receive the request, to deny the request or allow a waiver of the 95 percent retention requirement of ORS 743.734(7). The director must find that the association health plan did not engage in any practice that caused, or was designed to cause, any small employer group to terminate coverage under the plan. The director may establish the period of time that the waiver will be in effect and may withdraw a waiver at any time if an association health plan fails to comply with any requirement of the rule or if the director finds that an association health plan engaged in any practice that caused, or was designed to cause, any small employer group to terminate coverage under the plan.

At the expiration of a waiver, an association health plan is exempt from ORS 743.734(1) if the association satisfies the requirements of ORS 743.734(7) and (8). An association health plan that is denied a request for waiver does not qualify for the exemption from ORS 743.734(1) and may not submit an additional request for waiver until at least one year after the end of the correction period. If a waiver is not granted, the carrier also must provide to a small employer group in an association the small employer group rates for the next renewal period.

Rules Coordinator: Sue Munson—(503) 947-7272

836-053-0081

Association Health Plans; Requirements Regarding Small Employer Group Members

(1) As used in this rule:

(a) "Correction period" means the 12 months immediately following the date an association fails to maintain the 95 percent retention rate required under ORS 743.734(7) during which an association health plan may correct the retention level before losing the exemption from the requirements of 743.734(1).

(b) "Waiver" means the exemption granted by the Director of the Department of Consumer and Business Services to a carrier of an association health plan from the 95 percent retention rate required by ORS 743.734(7).

(2) The carrier of an association health plan shall determine whether the plan maintains the 95 percent retention rate required by ORS 743.734(7) not less than once in any 12-month rating period or plan year. The carrier shall report to the Director any association health plan for which the retention rate is less than 95 percent not later than the end of the first quarter following the 12-month rating period or plan year. The carrier of an association health plan shall also provide additional information regarding the association health plan pursuant to 731.296, when requested by the Director.

(3) The carrier of an association health plan shall determine whether the plan maintains the 95 percent rate of retention of member employers of an association health plan required by ORS 743.734(7) according to the following formula, in the following sequence:

(a) By determining the total number of member employers covered by the association health plan on the date one year prior to the plan year anniversary date;

(b) By determining the number of member employers covered by an association health plan on the date one year prior to the determination date that terminated coverage during the year preceding the determination date for a reason stated in ORS 743.734(8);

(c) By subtracting the number determined in subsection (b) of this section from the number determined in subsection (a) of this section;

(d) By determining the number of member employers covered by an association health plan on the date one year prior to the determination date that terminated coverage during the year preceding the determination date for any reason other than those stated in ORS 743.734(8);

(e) By subtracting the number determined in subsection (d) of this section from the number determined in subsection (c) of this section; and

(f) Determining the retention rate by dividing the number determined in subsection (e) of this section by the number determined in subsection (c) of this section.

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(4) When an association offers coverage to member employers through two or more association health plans issued by two or more carriers, the association may maintain the 95 percent retention rate required by ORS 743.734(7) either with respect to the association health plan provided by each carrier or with respect to all association health plans offered through the association.

(5) Before the director may consider waiving the 95 percent retention rate requirement of ORS 743.734(7), an association health plan carrier must request in writing a waiver of the retention requirement required by 743.734(7). The association health plan carrier may submit a request for waiver after the first day of the third month of the correction period, but must submit the request no later than six months after the beginning of the correction period. If an association health plan is in the correction period on the effective date of these rules, the association health plan carrier must submit a request for waiver not later than November 1, 2010. The request for waiver must include:

(a) The year-to-date retention rate of the association health plan calculated as of the date of the request for waiver;

(b) As of the date of the submission of the request for waiver, for each small employer group for which coverage terminated with the association health plan during the 12-month correction period and the 12 months immediately prior to the start of the 12-month correction period:

(A) The small employer group's name;

(B) The date on which the small employer group's coverage under the association health plan began with the carrier submitting the request for waiver;

(C) The reason the small employer group's coverage under the association health plan terminated with the carrier submitting the request for waiver;

(D) The small employer group's loss ratio with the carrier submitting the request for waiver;

(E) Every rate charged by the carrier submitting the request for waiver to the small employer group during the correction period and the 12-months immediately prior to the start of the correction period;

(F) The effective date of each rate described in section (5)(a)(E); and

(G) A statement explaining the factors and reasons for any proposed or actual change to a rate charged by the carrier submitting the request for waiver to the small employer group;

(c) The loss ratio for the entire association health plan as of the date of the request for waiver and as of the final day of the 12 months immediately prior to the start of the correction period;

(d) The average per member per month premium for each small employer group described in section (5)(b)(A) for the 12 months immediately prior to the start of the 12-month correction period and the year-to-date average per member per month premium for each small employer group with coverage under the association health plan as of the date of the submission of the request for waiver;

(e) A statement explaining the factors and reasons why the association health plan failed to meet the retention requirement of ORS 743.734(7);

(f) The ratio of small employer groups to large employer groups that terminated coverage under the plan during the correction period and the 12 months immediately prior to the correction period;

(g) The number of employer groups that terminated coverage during the correction period and the 12 months immediately prior thereto in relation to the total number of employer groups that received coverage under the association health plan during the same time period;

(h) The ratio of terminated employer groups to added employer groups during the correction period and the 12 months immediately prior thereto;

(i) Whether the retention rate for the association health plan exceeds the carrier's retention rate for its business in the small employer group market; and

(j) Any other information requested by the director.

(6) Within 90 days after receiving a request for waiver submitted by a carrier of an association health plan under section (5) of this rule, the director shall determine whether to waive the 95 percent retention requirement of ORS 743.734(7) for the association health plan. The director may grant a waiver if the director finds that the carrier did not engage in any practice that was designed to cause any small employer group to terminate coverage under the plan. In determining whether to grant a waiver, the director shall consider the following criteria:

(a) Whether the year-to-date retention rate is higher than the retention rate of the association health plan for the previous 12 months.

(b) Whether the carrier took any action during the correction period or the 12 months immediately prior to the correction period to eliminate poor risks from the association.

(c) The ratio of small employer groups to large employer groups that terminated coverage under the plan during the correction period and the 12 months immediately prior to the correction period.

(d) The number of employer groups that terminated coverage during the correction period and the 12 months immediately prior thereto in relation to the total number of employer groups that received coverage under the association health plan during the same time period.

(e) The ratio of terminated employer groups to added employer groups during the correction period.

(f) Whether the retention rate for the association health plan exceeds the carrier's retention rate for its business in the small employer group market.

(g) Any other pertinent information submitted that the director finds credible and that explains the reduction in retention rate.

(7) The director shall establish the period of time that the waiver allowed under section (6) of this rule will be in effect and may withdraw a waiver at any time if an association health plan carrier fails to comply with any requirement of this rule or the director finds that an association health plan carrier engaged in any practice that caused, or was designed to cause, any small employer group to terminate coverage under the plan.

(8) When a waiver granted under section (6) of this rule expires, an association health plan is exempt from ORS 743.734(1) only if the health plan then satisfies the requirements of 743.734(7) and (8)(a).

(9) If the director denies a waiver under section (6) of this rule, at the end of the correction period, the association health plan is not exempt from ORS 743.734(1). The carrier may not submit an additional request for waiver under section (5) of this rule until at least one year after the end of the correction period.

(10) When notifying a small employer group in an association of rates applicable for the renewal period following the correction period, a carrier that has been denied a waiver must provide the rate that the carrier would charge the group if the group is rated according to the requirements of ORS 743.737(8) and OAR 836-053-0065.

(11) For the purpose of ORS 743.734(7) (b)(A), the initial premium rate requirement is the rate that applies to each small employer member group upon its initial enrollment in the association health plan.

Stat. Auth.: ORS 731.244

Stats. Implemented: ORS 731.296, 743.734 & 743.748

Hist.: ID 8-2007(Temp), f. 10-24-07, cert. ef. 10-25-07 thru 4-18-08; ID 6-2008, f. & cert. ef. 4-18-08; ID 9-2010(Temp), f. & cert. ef. 4-22-10 thru 10-15-10; ID 13-2010, f. & cert. ef. 7-28-10

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Department of Energy
Chapter 330

Rule Caption: Clarifies eligibility for proposed installations under contract at the date of temporary rule changes.

Adm. Order No.: DOE 10-2010(Temp)

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10 thru 1-24-11

Notice Publication Date:

Rules Adopted: 330-070-0019

Subject: The rule change resolves the treatment of residents who had entered into contracts for the installation of measures eligible for tax credits, but who has not completed the installation prior to the temporary rule changes in July 1, 2010.

Rules Coordinator: Kathy Stuttaford—(503) 373-2127

330-070-0019

Eligible Measures Installed Prior to August 1, 2010 or Under Contract to Be Installed On or Before August 13, 2010

(1) Notwithstanding OAR 330-070-0013(46), an applicant who meets the criteria in this section shall determine "net cost" by calculating the amount the applicant paid to design, acquire, build and install the AED, including permit and inspection fees. The net cost may include the value of federal tax credits and utility incentives. Net cost does not include service contracts, rebates, discounts or refunds.

(2) An applicant:

(a) with eligible measures installed prior to August 1, 2010 must clearly indicate the date of installation completion on the application was prior to August 1, 2010; or

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(b) with eligible measures installed on or after August 1, 2010 and prior to December 31, 2010, who have a signed contract dated on or before August 13, 2010, must:

(A) Provide a copy of the contract for the installation of an eligible measure system to the department no later than 5:00 p.m. on Friday, August 27, 2010;

(B) Indicate on the application that the project was completed on or before December 31, 2010; and

(C) Provide the department evidence of the completed installation in the form of a copy of the approved final inspection, dated on or before December 31, 2010, as issued by the local jurisdiction.

(3) The department may grant an additional 15 days for project completion upon the written request of the applicant. The applicant must request the additional time in writing and explain the extenuating circumstances as to why the installation was not completed on or before December 31, 2010. Any project granted the additional time must be completed no later than Friday, January 14, 2011.

Stat. Auth.: ORS 469.160 - 469.180

Stats. Implemented: ORS 469.160.160 - 469.180

Hist.: DOE 10-2010(Temp), f. & cert. ef. 7-30-10 thru 1-24-11

Department of Fish and Wildlife Chapter 635

Rule Caption: Columbia River Treaty Tribes Summer Salmon Gillnet Fisheries Above Bonneville Dam Extended.

Adm. Order No.: DFW 101-2010(Temp)

Filed with Sec. of State: 7-19-2010

Certified to be Effective: 7-20-10 thru 7-31-10

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: This amended rule extends the allowed sales of fish caught in the Columbia River summer Treaty Indian gillnet fisheries above and Bonneville Dam. One additional 60-hour (2.5 days) fishing period was authorized for the commercial gillnet season in all of Zone 6. This period is from 6:00 a.m. Tuesday, July 20 through 6:00 p.m. Thursday, July 22, 2010. Allowable sales include: Chinook and sockeye salmon; steelhead; walleye; carp; yellow perch; bass; and shad. White sturgeon may be kept for subsistence in all fisheries except the platform and hook-and-line fisheries conducted below Bonneville Dam where sturgeon may not be retained. Revisions are consistent with action taken by the Columbia River Compact agencies of Oregon and Washington, in cooperation with the Columbia River Treaty Tribes on July 19, 2010.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0076

Summer Salmon Season

(1) The commercial platform and hook-and-line fisheries and the Yakama, Warm Springs and Umatilla tribal subsistence fisheries downstream of Bonneville Dam (bank fishing only) conducted under agreements with the states of Oregon and Washington open 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice. The commercial platform and hook-and-line fisheries above Bonneville Dam (Zone 6) open 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice.

(a) Allowable sales include Chinook, steelhead, sockeye, coho, walleye, shad, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence use. Fish may NOT be sold on USACE Property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(b) Gear is restricted to subsistence fishing gear:

(A) In Zone 6: hoopnets, dipnets and rod and reel with hook-and-line are allowed; and

(B) Below Bonneville Dam: hoopnets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line are allowed.

(c) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(d) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect. Closed areas down-

stream of Bonneville Dam, are as set forth in OAR 635-041-0015 and remain in effect.

(2) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Tuesday, June 29 through 6:00 p.m. Thursday, July 1, 2010 (2.5 days); 6:00 a.m. Tuesday, July 6 through 6:00 p.m. Thursday, July 8, 2010 (2.5 days); 6:00 a.m. Tuesday, July 13 through 6:00 p.m. Thursday, July 15, 2010 (2.5 days); and 6:00 a.m. Tuesday, July 20 through 6:00 p.m. Thursday, July 22, 2010 (2.5 days).

(a) No minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, steelhead, sockeye, walleye, shad, yellow perch, bass and carp.

(c) Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence use.

(d) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(e) All standard river mouth and dam sanctuaries in Zone 6, except the Spring Creek sanctuary, as set forth in OAR 635-041-0045 remain in effect.

(3) Sales of salmon, steelhead, walleye, shad, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Wind River, Big White Salmon River, Klickitat River, and Icicle Creek during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods are allowed.

(4) Until further notice, sales of adipose fin-clipped Chinook salmon, caught in Nez Perce tributary fisheries in the Snake River Basin Tributary Treaty Area, including treaty spring fisheries in the Imnaha and Grande Ronde subbasins, may be sold during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10

Rule Caption: Sport Chinook Fisheries Close On the Imnaha and Wallowa Rivers.

Adm. Order No.: DFW 102-2010(Temp)

Filed with Sec. of State: 7-20-2010

Certified to be Effective: 7-25-10 thru 9-1-10

Notice Publication Date:

Rules Amended: 635-019-0090

Rules Suspended: 635-019-0090(T)

Subject: This amended rule closes the recreational Chinook fisheries in the Imnaha and Wallowa rivers effective 11:59 p.m. Sunday, July 25, 2010. The original ending date for this fishery was Sunday, July 11, 2010. The fishery was extended to give sport anglers an opportunity to harvest returning adipose fin-clipped adult and jack Chinook salmon which were in excess of the Department's hatchery production needs.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-019-0090

Inclusions and Modifications

(1) The 2010 Oregon Sport Fishing Regulations provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any

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inconsistency, they supersede the **2010 Oregon Sport Fishing Regulations**.

(2) The Imnaha River from the mouth to Summit Creek Bridge (River Mile 45) is open to angling for adipose fin-clipped adult Chinook salmon from May 22 until July 25, 2010.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2010 Oregon Sport Fishing Regulations**, remain in effect.

(3) The Willowa River from a deadline at the lower end of Minam State Park upstream to the confluence with the Lostine River is open to angling for adipose fin-clipped adult Chinook salmon from May 22 until July 25, 2010.

(a) The daily bag limit is two (2) adipose fin-clipped adult Chinook and five (5) adipose fin-clipped jacks; two daily limits in possession. It is illegal to continue fishing for jack Chinook once the adult bag limit is met.

(b) All other General, Statewide and Northeast Zone Regulations, as provided in the **2010 Oregon Sport Fishing Regulations**, remain in effect.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 12-2007(Temp), f. 2-28-07, cert. ef. 3-1-07 thru 8-27-07; DFW 30-2007(Temp), f. 5-9-07, cert. ef. 5-10-07 thru 9-30-07; DFW 34-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 9-30-07; Administrative correction 10-16-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 56-2008(Temp), f. 5-30-08, cert. ef. 5-31-08 thru 6-30-08; DFW 76-2008(Temp), f. & cert. ef. 7-9-08 thru 9-1-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 131-2009(Temp), f. 10-14-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 54-2010(Temp), f. 5-6-10, cert. ef. 5-22-10 thru 9-1-10; DFW 95-2010(Temp), f. 7-1-10, cert. ef. 7-11-10 thru 9-1-10; DFW 102-2010(Temp), f. 7-20-10, cert. ef. 7-25-10 thru 9-1-10

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Rule Caption: In-season Modifications to Ocean Sport Rockfish and Other Marine Species Seasons.

Adm. Order No.: DFW 103-2010(Temp)

Filed with Sec. of State: 7-21-2010

Certified to be Effective: 7-23-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-039-0090

Subject: Amended rule prohibits fishing in the Pacific ocean outside the 20-fathom curve to fishing for: lingcod, flatfish, and rockfish; cabezon; skates and other marine species listed under "Marine Fish;" on page 5 of the 2010 Oregon Sport Ocean Regulations for Salmon, Halibut and Other Marine Fish Species; and on pages 100-101 of the 2010 Oregon Sport Fishing Regulations, effective July 24, 2010. Modifications also close the sport ocean boat and estuary boat fisheries to retention of cabezon due to attainment of the 2010 statewide

landing cap of 15.8 metric tons previously adopted by the Oregon Fish and Wildlife Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0090

Inclusions and Modifications

(1) The **2010 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2010 Oregon Sport Fishing Regulations**.

(2) For the purposes of this rule, a "harvest target" is defined as the Oregon share of the regional recreational harvest guideline for yelloweye rockfish and canary rockfish that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(a) The regional recreational harvest guidelines for these species in 2010 are specified in the Pacific Council Decisions or News documents dated June and November, 2009.

(b) Harvest targets for yelloweye rockfish and canary rockfish effective at the start of the Oregon sport fishery in 2010 are:

(A) Yelloweye rockfish, 2.5 metric tons.

(B) Canary rockfish, 16.0 metric tons.

(c) Harvest targets for yelloweye rockfish and canary rockfish may be revised inseason following consultation with Washington Department of Fish and Wildlife provided that:

(A) Regional recreational harvest guidelines for these species are not projected to be exceeded as a result of any inseason revisions to a harvest target or targets; and

(B) Inseason revisions to the harvest target or targets benefit the Oregon sport fishery.

(3) For the purposes of this rule, a "sport harvest cap" is defined as the amount that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(a) For 2010, the sport harvest cap for black rockfish is 440.8 metric tons.

(4) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).

(5) For the purposes of this rule a "sport landing cap" is defined as the total landings for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2010 the sport landing caps are:

(a) Black rockfish and blue rockfish combined, 481.8 metric tons.

(b) Other nearshore rockfish, 13.6 metric tons.

(c) Cabezon, 15.8 metric tons.

(d) Greenling, 5.2 metric tons.

(6) Effective Friday, July 23, 2010 at 11:59 p.m. retention of cabezon, as identified in section (5)(c) above, is prohibited in the ocean boat and estuary boat fisheries. Angling for and retention of shore-based cabezon is permitted.

(7) In addition to the regulations for Marine Fish in the **2010 Oregon Sport Fishing Regulations**, the following apply for the sport fishery in the Marine Zone in 2010:

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the 2010 Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number). Retention of yelloweye rockfish and canary rockfish is prohibited.

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).

(d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except Pacific cod, sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut north of Humbug Mountain. Persons must also consult the **Pacific Council Decisions; Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996)**; and the annual Pacific

ADMINISTRATIVE RULES

Halibut Fishery Regulations as amended by Federal Regulations to determine all rules applicable to the taking of Pacific halibut.

(e) Harvest methods and other specifications for marine fish in subsections (7)(a), (7)(b) and (7)(c) including the following:

(A) Minimum length for lingcod, 22 inches.

(B) Minimum length for cabezon, 16 inches.

(C) Minimum length for greenling, 10 inches.

(D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(f) Sport fisheries for species in subsections (7)(a), (7)(b) and (7)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except that ocean waters are closed for these species during April 1 through July 23, outside of the 40 fathom curve (defined by latitude and longitude) as shown on **Title 50 Code of Federal Regulations Part 660 Section 384 Vol. 71, No. 189**, dated **September 29, 2006**. A 20 fathom, 25 fathom, or 30 fathom curve, as shown on **Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189**, dated September 29, 2006 may be implemented as the management line as in-season modifications necessitate. Ocean waters are closed for species in subsections (7)(a), (7)(b) and (7)(c) during July 24 through December 31, outside of the 20 fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006.

(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 390. Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (7)(a), (7)(b) and (7)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (7)(a), (7)(b) and (7)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (7)(a), (7)(b) and (7)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

(8) Razor clams may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4 inches and the elliptical gun/tube opening having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

[Publications: Publications referenced are available from the agency.]

[ED. NOTE: Tables referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-26-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 141-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 12-31-05; Administrative correction 1-19-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06; DFW 65-2006(Temp), f. 7-21-06, cert. ef. 7-24-06 thru 12-31-06; DFW 105-2006(Temp), f. 9-21-06, cert. ef. 9-22-06 thru 12-31-06; DFW 134-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 10-2007, f. & cert. ef. 2-14-07; DFW 66-2007(Temp), f. 8-6-07, cert. ef. 8-11-07 thru 12-31-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 73-2008(Temp), f. 6-30-08, cert. ef. 7-7-08 thru 12-31-08; DFW 97-2008(Temp), f. 8-18-08, cert. ef. 8-21-08 thru 12-31-08; DFW 105-2008(Temp), f. 9-4-08, cert. ef. 9-7-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 7-2009(Temp), f. & cert. ef. 2-2-09 thru 7-31-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 110-2009(Temp), f. 9-10-09, cert. ef. 9-13-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 103-2010(Temp), f. 7-21-10, cert. ef. 7-23-10 thru 12-31-10

Rule Caption: Second Allocation Period of the Directed Commercial Sardine Fishery Closes July 22, 2010.

Adm. Order No.: DFW 104-2010(Temp)

Filed with Sec. of State: 7-21-2010

Certified to be Effective: 7-22-10 thru 9-14-10

Notice Publication Date:

Rules Amended: 635-004-0017

Subject: This amended rule closes the second allocation period of the directed commercial sardine fishery, effective July 22 through September 14, 2010. This modification conforms to federal rule changes announced July 20, 2010 to be published in the Federal Register on July 22, 2010.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0017

Inclusions and Modifications

(1) OAR chapter 635, division 004, modifies or is in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660**.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660**, provides requirements for commercial sardine fishing in the Pacific Ocean. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

(3) Notwithstanding the regulations as defined in OAR 635-004-0016, the National Oceanic and Atmospheric Administration (NOAA), by means of Docket No. 0912281446-0111-02, filed 07/21/10 for public inspection at <http://www.archives.gov/federal-register/public-inspection/> with intent to publish in the Federal Register on day, July 22, 2010, announced inseason management measures effective 12:01 a.m. Thursday, July 22, 2010, including but not limited to closure of the directed sardine fishery through September 14, 2010. The directed sardine fishery will open for the third allocation period on September 15, 2010.

[Publications: Publications references are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 38-2009, f. & cert. ef. 4-22-09; DFW 78-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 12-28-09; DFW 85-2009(Temp), f. 7-17-09, cert. ef. 7-18-09 thru 12-31-09; DFW 116-2009(Temp), f. & cert. ef. 9-23-09 thru 12-31-09; Administrative correction 1-25-10; DFW 79-2010(Temp), f. 6-11-10, cert. ef. 6-12-10 thru 6-30-10; Administrative correction 7-27-10; DFW 104-2010(Temp), f. 7-21-10, cert. ef. 7-22-10 thru 9-14-10

Rule Caption: Additional Gillnet Fishing Period Above Bonneville Dam For Columbia River Treaty Tribes.

Adm. Order No.: DFW 105-2010(Temp)

Filed with Sec. of State: 7-23-2010

Certified to be Effective: 7-26-10 thru 7-31-10

Notice Publication Date:

Rules Amended: 635-041-0076

Rules Suspended: 635-041-0076(T)

Subject: This amended rule authorizes an extension for allowed sales of fish caught in the Columbia River summer Treaty Indian gillnet fisheries above and Bonneville Dam. One additional 60-hour (2.5 days) fishing period was authorized for the commercial gillnet season in all of Zone 6. This period is from 6:00 a.m. Tuesday, July 27 through 6:00 p.m. Thursday, July 29, 2010. Allowable sales include: Chinook and sockeye salmon; steelhead; walleye; carp; yellow perch; bass; and shad. White sturgeon may be kept for subsistence in all fisheries except the platform and hook-and-line fisheries conducted below Bonneville Dam where sturgeon may not be retained. Revisions are consistent with action taken by the Columbia River Compact agencies of Oregon and Washington, in cooperation with the Columbia River Treaty Tribes on July 23, 2010.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0076

Summer Salmon Season

(1) The commercial platform and hook-and-line fisheries and the Yakama, Warm Springs and Umatilla tribal subsistence fisheries downstream of Bonneville Dam (bank fishing only) conducted under agreements with the states of Oregon and Washington open 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice. The commercial platform and hook-and-line fisheries above Bonneville Dam (Zone 6) open 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice.

ADMINISTRATIVE RULES

(a) Allowable sales include Chinook, steelhead, sockeye, coho, wall-eye, shad, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence use. Fish may NOT be sold on USACE Property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(b) Gear is restricted to subsistence fishing gear:

(A) In Zone 6: hoopnets, dipnets and rod and reel with hook-and-line are allowed; and

(B) Below Bonneville Dam: hoopnets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line are allowed.

(c) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(d) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect. Closed areas downstream of Bonneville Dam, are as set forth in OAR 635-041-0015 and remain in effect.

(2) Commercial sales of gill net caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 6:00 a.m. Tuesday, June 29 through 6:00 p.m. Thursday, July 1, 2010 (2.5 days); 6:00 a.m. Tuesday, July 6 through 6:00 p.m. Thursday, July 8, 2010 (2.5 days); 6:00 a.m. Tuesday, July 13 through 6:00 p.m. Thursday, July 15, 2010 (2.5 days); 6:00 a.m. Tuesday, July 20 through 6:00 p.m. Thursday, July 22, 2010 (2.5 days); and 6:00 a.m. Tuesday, July 27 through 6:00 p.m. Thursday, July 29, 2010 (2.5 days).

(a) No minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, steelhead, sockeye, walleye, shad, yellow perch, bass and carp.

(c) Sturgeon may not be sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence use.

(d) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(e) All standard river mouth and dam sanctuaries in Zone 6, except the Spring Creek sanctuary, as set forth in OAR 635-041-0045 remain in effect.

(3) Sales of salmon, steelhead, walleye, shad, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Wind River, Big White Salmon River, Klickitat River, and Icicle Creek during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods are allowed.

(4) Until further notice, sales of adipose fin-clipped Chinook salmon, caught in Nez Perce tributary fisheries in the Snake River Basin Tributary Treaty Area, including treaty spring fisheries in the Imnaha and Grande Ronde subbasins, may be sold during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 39-2006(Temp), f. & cert. ef. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. ef. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. 6-26-06, cert. ef. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. 6-30-06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06; DFW 46-2007(Temp), f. 6-15-07, cert. ef. 6-16-07 thru 9-13-07; DFW 49-2007(Temp), f. 6-22-07, cert. ef. 6-26-07 thru 9-13-07; DFW 53-2007(Temp), f. & cert. ef. 7-6-07 thru 7-31-07; Administrative correction 9-16-07; DFW 45-2008(Temp), f. 5-2-08, cert. ef. 5-5-08 thru 7-31-08; DFW 47-2008(Temp), f. 5-9-08, cert. ef. 5-11-08 thru 7-31-08; DFW 62-2008(Temp), f. 6-13-08, cert. ef. 6-16-08 thru 8-31-08; DFW 68-2008(Temp), f. 6-20-08, cert. ef. 6-21-08 thru 8-31-08; DFW 71-2008(Temp), f. 6-27-08, cert. ef. 6-28-08 thru 8-31-08; DFW 80-2008(Temp), f. & cert. ef. 7-10-08 thru 8-31-08; DFW 87-2008(Temp), f. & cert. ef. 7-25-08 thru 8-31-08; DFW 94-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; Administrative correction 10-21-08; DFW 50-2009(Temp), f. 5-14-09, cert. ef. 5-16-09 thru 7-31-09; DFW 56-2009(Temp), f. 5-26-09, cert. ef. 5-27-09 thru 7-31-09; DFW 71-2009(Temp), f. 6-15-09, cert. ef. 6-16-09 thru 7-31-09; DFW 76-2009(Temp), f. 6-26-09, cert. ef. 6-30-09 thru 7-31-09; DFW 82-2009(Temp), f. 7-6-09, cert. ef. 7-8-09 thru 7-31-09; DFW 84-2009(Temp), f. 7-13-09, cert. ef. 7-15-09 thru 7-31-09; Administrative correction 8-21-09; DFW 48-2010(Temp), f. 4-26-10, cert. ef. 4-27-10 thru 7-31-10; DFW 51-2010(Temp), f. & cert. ef. 4-29-10 thru 7-31-10; DFW 56-2010(Temp), f. 5-10-10, cert. ef. 5-11-10 thru 7-31-10; DFW 68-2010(Temp), f. 5-18-10, cert. ef. 5-19-10 thru 7-31-10; DFW 71-2010(Temp), f. 5-19-10, cert. ef. 5-21-10 thru 6-16-10; DFW 74-2010(Temp), f. & cert. ef. 6-2-10 thru 7-31-10; DFW 80-2010(Temp), f. 6-14-10, cert. ef. 6-16-10 thru 7-31-10; DFW 87-2010(Temp), f. 6-25-10, cert. ef. 6-29-10 thru 7-31-10; DFW 97-2010(Temp), f. 7-8-10, cert. ef. 7-13-10 thru 7-31-10; DFW 101-2010(Temp), f. 7-19-10, cert. ef. 7-20-10 thru 7-31-10; DFW 105-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 7-31-10

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Rule Caption: Hood River Chinook Salmon and Steelhead Sport Fishery Opens August 1.

Adm. Order No.: DFW 106-2010(Temp)

Filed with Sec. of State: 7-26-2010

Certified to be Effective: 8-1-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-018-0090

Rules Suspended: 635-018-0090(T)

Subject: Amended rule re-establishes the fishing deadline to that present prior to 1999. Once Powerdale Dam has been removed this July, returning to the earlier established angling deadline would provide approximately 8.5 miles of additional fishing area.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-018-0090

Inclusions and Modifications

(1) The **2010 Oregon Sport Fishing Regulations** provide requirements for the Central Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2010 Oregon Sport Fishing Regulations**.

(2) The Hood River is open to retention of adipose fin-clipped coho salmon and adipose fin-clipped steelhead from August 1 through December 31, 2010 from the mouth to mainstem confluence with the East Fork and the West Fork from the confluence with the mainstem upstream to the angling deadline 200 feet downstream of Punchbowl Falls.

(a) The catch limit is 2 adult adipose fin-clipped salmon or adipose fin-clipped steelhead and five adipose fin-clipped jack salmon per day, 2 daily jack limits in possession; with the exception that one additional adipose fin-clipped steelhead may be retained per day for a total aggregate of 3 adult fish harvested daily. All salmon and steelhead that have not been adipose fin-clipped must be released unharmed; and

(b) All other catch limits and restrictions remain unchanged from those listed for Hood River in the 2010 Oregon Sport Fishing Regulations.

(3)(a) The Metolius River mainstem including Spring Creek, upstream from the Allingham Bridge and also in Spring Creek, is open to angling from May 22 through October 31, 2010.

(b) All other General, Statewide and Central Zone Regulations, as provided in the 2010 Oregon Sport Fishing Regulations, remain in effect.

(4)(a) The Deschutes River from the mouth at the I-84 Bridge upstream to Sherars Falls is open to angling for trout, steelhead, and Chinook salmon from August 1 to October 31, 2010.

(b) The catch limit for Chinook salmon is two adults and five jacks per day. Catch limits and restrictions applying to trout, steelhead, and coho remain unchanged from those listed in the 2010 Oregon Sport Fishing Regulations for Area 1 of the Deschutes River.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 20-1994(Temp), f. & cert. ef. 4-11-94; FWC 24-1994(Temp), f. 4-29-94, cert. ef. 4-30-94; FWC 34-1994(Temp), f. 6-14-94, cert. ef. 6-16-94; FWC 54-1994, f. 8-25-94, cert. ef. 9-1-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 67-1994(Temp), f. & cert. ef. 9-26-94; FWC 70-1994, f. 10-4-95, cert. ef. 11-1-94; FWC 18-1995, f. 3-2-95, cert. ef. 4-1-95; FWC 60-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 11-1996(Temp), f. 3-8-96, cert. ef. 4-1-96; FWC 32-1996(Temp), f. 6-7-96, cert. ef. 6-16-96, FWC 38-1996(Temp), f. 6-14-96, cert. ef. 7-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 20-1997, f. & cert. ef. 3-24-97; FWC 21-1997, f. & cert. ef. 4-1-97; FWC 27-1997(Temp), f. 5-2-97, cert. ef. 5-9-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 25-1998(Temp), f. & cert. ef. 3-25-98 thru 8-31-98; DFW 56-1998(Temp), f. 7-24-98, cert. ef. 8-1-98 thru 10-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 12-2000(Temp), f. 3-20-00, cert. ef. 4-15-00 thru 7-31-00; DFW 27-2000(Temp), f. 5-15-00, cert. ef. 8-1-00 thru 10-31-00; DFW 28-2000, f. 5-23-00, cert. ef. 5-24-00 thru 7-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 13-2001(Temp), f. 3-12-01, cert. ef. 4-7-01 thru 7-31-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 44-2001(Temp), f. 5-25-01, cert. ef. 6-1-01 thru 7-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 23-2002(Temp), f. 3-21-02, cert. ef. 4-6-02 thru 7-31-02; DFW 25-2002(Temp), f. 3-22-02, cert. ef. 4-6-02 thru 7-31-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 62-2002, f. 6-14-02, cert. ef. 7-11-02; DFW 74-2002(Temp), f. 7-18-02, cert. ef. 8-1-02 thru 10-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 97-2002(Temp), f. & cert. ef. 8-29-02 thru 10-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 26-2003(Temp), f. 3-28-03, cert. ef. 4-15-03 thru 7-31-03; DFW 66-2003(Temp), f. 7-17-03, cert. ef. 8-1-03 thru 10-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 23-2004(Temp), f. 3-22-04, cert. ef. 4-1-04 thru 7-31-04; DFW 77-2004(Temp), f. 7-28-04, cert. ef. 8-1-04 thru 10-31-04; Administrative correction 11-22-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 19-2005(Temp), f. 3-16-05, cert. ef. 4-15-05 thru 7-31-05; DFW 41-2005(Temp), f. 5-13-05, cert. ef. 5-15-05 thru 7-31-05; DFW 83-2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 10-31-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 59-2006(Temp), f. 7-10-06, cert. ef. 8-1-06 thru 10-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 18-2007(Temp), f. 3-22-07, cert. ef. 4-15-07 thru 7-31-07; DFW 55-2007(Temp), f. 7-6-07, cert. ef. 8-1-07 thru 10-31-07; Administrative correction 11-17-07; DFW 136-2007, f. 12-31-07, cert. ef. 1-1-08; DFW 26-2008(Temp), f. 3-17-08, cert. ef. 4-15-08 thru 7-31-08; DFW 27-2008(Temp), f. 3-24-08, cert. ef. 5-1-08 thru 10-27-08; Administrative correction 11-18-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 16-2009(Temp), f. 2-25-09, cert. ef. 4-15-09 thru 6-30-09; DFW 61-2009(Temp), f. 6-1-09, cert. ef. 8-1-09 thru 10-31-09; DFW 104-2009(Temp), f. 8-28-09, cert. ef. 9-1-09 thru 12-31-09; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 7-2010(Temp), f. 1-25-10, cert. ef. 4-1-10 thru 7-31-10; DFW 27-2010(Temp),

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f. 3-8-10, cert. ef. 4-15-10 thru 7-31-10; DFW 66-2010(Temp), f. 5-18-10, cert. ef. 5-22-10 thru 10-31-10; DFW 86-2010(Temp), f. 6-23-10, cert. ef. 7-1-10 thru 10-31-10; DFW 106-2010(Temp), f. 7-26-10, cert. ef. 8-1-10 thru 12-31-10

Rule Caption: Recreational Spring Chinook Fishery Closes In the Snake River Below Hells Canyon Dam.

Adm. Order No.: DFW 107-2010(Temp)

Filed with Sec. of State: 7-26-2010

Certified to be Effective: 7-31-10 thru 8-4-10

Notice Publication Date:

Rules Amended: 635-023-0134

Rules Suspended: 635-023-0134(T)

Subject: Amended rule closes the recreational spring Chinook salmon fishery on the Snake River in the area from the Dug Bar Boat Ramp upstream to the deadline below Hells Canyon Dam effective at 11:59 p.m. on August 4, 2010 to coincide with the state of Idaho's closure of this fishery.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-023-0134

Snake River Fishery

(1) The 2010 Oregon Sport Fishing Regulations provide requirements for the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2010 Oregon Sport Fishing Regulations.

(2) Notwithstanding, all other specifications and restrictions as outlined in the 2010 Oregon Sport Fishing Regulations, the following conditions apply:

(a) The Snake River from Dug Bar boat ramp upstream to the deadline below Hell's Canyon Dam is open seven (7) days per week, effective Saturday, April 24 through August 4, 2010.

(b) Daily bag limit is four (4) adipose fin-clipped spring Chinook salmon per day, of which no more than two (2) can be adults in excess of 24 inches in length. Anglers must cease fishing for salmon for the day when either four (4) salmon or two (2) adult salmon have been retained, whichever comes first.

(c) Barbless hooks are required.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06; DFW 31-2007(Temp), f. 5-9-07, cert. ef. 5-11-07 thru 6-18-07; DFW 43-2007(Temp), f. 6-14-07, cert. ef. 6-19-07 thru 7-2-07; Administrative correction 2-8-08; DFW 43-2008(Temp), f. 4-25-08, cert. ef. 4-26-08 thru 7-20-08; DFW 64-2008(Temp), f. 6-18-08, cert. ef. 6-21-08 thru 7-31-08; Administrative correction 8-21-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 58-2009(Temp), f. 5-27-09, cert. ef. 5-30-09 thru 7-12-09; DFW 80-2009(Temp), f. 6-30-09, cert. ef. 7-1-09 thru 7-17-09; Administrative correction 7-21-09; DFW 128-2009(Temp), f. 10-12-09, cert. ef. 10-18-09 thru 4-15-10; DFW 144-2009, f. 12-8-09, cert. ef. 1-1-10; DFW 42-2010(Temp), f. 4-13-10, cert. ef. 4-24-10 thru 7-31-10; DFW 107-2010(Temp), f. 7-26-10, cert. ef. 7-31-10 thru 8-4-10

Rule Caption: Amend Rules to expand the hunt area for Flat Creek Youth Elk Hunt 246T2.

Adm. Order No.: DFW 108-2010(Temp)

Filed with Sec. of State: 7-29-2010

Certified to be Effective: 8-1-10 thru 8-27-10

Notice Publication Date:

Rules Amended: 635-073-0090

Subject: Amend rule to expand the Flat Creek Youth Elk Hunt 246T2 to include approximately 25 square miles of the Malheur national Forest.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-073-0090

Controlled Antlerless Deer and Elk Youth Hunting Regulations

(1) General Regulations: Tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. Hunters must be 12 to 17 years of age at the time they hunt. Youths must be accompanied by an adult at least 21 years of age, who must accompany not more than two juveniles. Juveniles must have a hunter education certificate or a Department document which includes their Hunter Education Certificate Number, a valid hunting license, and a controlled hunt permit valid for that area and time period in possession while hunting. A hunter successful in drawing one of the controlled 600 series deer youth

hunt tags may hunt in any general deer season or controlled buck deer hunt, and as provided in OAR chapter 635, division 090; if possessing the proper tag for the area and time period being hunted. A youth hunter obtaining a "left over" tag through the first-come, first-served process also may hunt during the season for which that tag was issued.

(2) A hunter successful in drawing a controlled antlerless elk youth hunt tag shall not hunt in any other elk season, except as provided in OAR chapter 635, division 090.

(3) Notwithstanding the provisions of the 2010 Oregon Big Game Regulations, the open area described on page 78 for the Flat Creek Youth Elk Hunt (hunt number 246T2) is expanded to a portion (approximately 25 square miles) of the Malheur National Forest. The expanded hunt area is included in the following revised hunt area description: that part of the Murderers Creek Wildlife Management Unit beginning at Dayville; east on Hwy 26 to NF Rd 21; south on NF Rd 21 to the junction of NF Rd 2150; west on NF Rd 2150 to Aldrich Mt. Lookout; from Aldrich Mt Lookout west on Jackass Cr to the S Fork John Day River then north to Dayville, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 42-2007, f. & cert. ef. 6-14-07; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 108-2010(Temp), f. 7-29-10, cert. ef. 8-1-10 thru 8-27-10

Rule Caption: Inseason Actions Implemented by the Federal Government for Commercial Groundfish Fisheries.

Adm. Order No.: DFW 109-2010(Temp)

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10 thru 11-30-10

Notice Publication Date:

Rules Amended: 635-004-0019

Rules Suspended: 635-004-0019(T)

Subject: The amended rule adopts in-season actions implemented by the federal government for Pacific ocean commercial groundfish fisheries, including changes to cumulative trip limits.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0019

Inclusions and Modifications

(1) OAR chapter 635, division 004, modifies or is in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart G, West Coast Groundfish Fisheries.**

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart G**, provides requirements for commercial groundfish fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the **Code of Federal Regulations.**

(3) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of **Federal Register/Vol. 75, No. 126/Thursday, July 1, 2010**, announced inseason management measures effective July 1, 2010, including, but not limited to, changes to cumulative trip limits for the limited entry non-whiting trawl fishery.

(4) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of **Federal Register/Vol. 75, No. 136/Friday, July 16, 2010**, announced inseason management measures effective July 16, 2010 including but not limited to, changes in cumulative trip limits for the limited entry non-whiting trawl fishery.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-1999(Temp), f. 9-30-99, cert. ef. 10-1-99 thru 12-31-99; DFW 81-1999(Temp), f. & cert. ef. 10-12-99 thru 12-31-99; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 23-2005(Temp), f. & cert. ef. 4-8-05 thru 10-4-05; DFW 30-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 43-2005(Temp), f. & cert. ef. 5-13-05 thru 10-17-05; DFW 68-2005(Temp), 6-30-05, cert. ef. 7-1-05 thru 12-27-05; DFW 114-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05; DFW 125-2005(Temp), f. & cert. ef. 10-19-05 thru 12-31-05; DFW 134-2005(Temp), f. & cert. ef. 11-30-05 thru 12-31-05; DFW 147-2005(Temp), f. 12-28-05, cert. ef. 1-1-06 thru 6-28-06; DFW 8-2006(Temp), f. 2-28-06, cert. ef. 3-4-29-06 thru 8-25-06; DFW 25-2006(Temp), f. 4-28-06, cert. ef. 5-1-06 thru 10-27-06; DFW 55-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-27-06; DFW 110-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; Administrative Correction 1-16-07; DFW 29-2007(Temp), f. & cert. ef. 5-1-07 thru 10-27-07; DFW 58-2007(Temp), f. 7-18-07, cert. ef. 8-1-07 thru 12-31-07; DFW 106-2007(Temp), f. 10-5-07, cert. ef. 10-6-07 thru 12-31-07; DFW 123-2007(Temp), f. 11-26-07, cert. ef. 11-28-07 thru 12-31-07; DFW 126-2007(Temp), f. & cert. ef. 12-11-07 thru 12-31-07; DFW 41-2008(Temp), f. 4-23-08, cert. ef. 5-1-08 thru 10-27-08; DFW 88-2008(Temp), f. & cert. ef. 8-1-08 thru 12-31-08; DFW 146-2008(Temp), f. & cert. ef. 12-4-08 thru 12-31-08; DFW 1-2009(Temp), f. & cert. ef. 1-5-09 thru 5-1-09; DFW 29-

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2009(Temp), f. & cert. ef. 3-18-09 thru 5-1-09; DFW 41-2009(Temp), f. 4-29-09, cert. ef. 5-1-09 thru 10-27-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 81-2009(Temp), f. & cert. ef. 7-2-09 thru 12-28-09; DFW 136-2009, f. 10-28-09 thru 12-31-09; DFW 138-2009(Temp), f. & cert. ef. 11-2-09 thru 12-31-09; Administrative correction 1-25-10; DFW 25-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; DFW 59-2010(Temp), f. & cert. ef. 5-12-10 thru 11-7-10; DFW 109-2010(Temp), f. & cert. ef. 7-30-10 thru 11-30-10

Rule Caption: Periods 4-6 Cumulative Trip Limits Increased for Black and Blue Rockfish Combined And Greenling Species.

Adm. Order No.: DFW 110-2010(Temp)

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 8-1-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 635-004-0033

Subject: This amended rule increases the cumulative trip limits for black rockfish and blue rockfish combined by 200 pounds and for greenling species by 50 pounds in periods 4-6.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-004-0033

Groundfish Restrictions

(1) The season for most species of ocean food fish is open year-round, until catch quotas are met (where applicable). Regulations for the following species or species groups of ocean food fish change throughout the season and the Oregon Administrative Rules and federal regulations should be consulted before fishing:

- (a) Minor Shelf Rockfish.
- (b) Minor Slope Rockfish.
- (c) Black and Yellow Rockfish.
- (d) Brown Rockfish.
- (e) Calico Rockfish.
- (f) China Rockfish.
- (g) Copper Rockfish.
- (h) Gopher Rockfish.
- (i) Grass Rockfish.
- (j) Kelp Rockfish.
- (k) Olive Rockfish.
- (l) Quillback Rockfish.
- (m) Treefish.
- (n) Black Rockfish.
- (o) Blue Rockfish.
- (p) Cabezon.
- (q) Canary Rockfish.
- (r) Greenling.
- (s) Tiger Rockfish.
- (t) Vermilion Rockfish.
- (u) Widow Rockfish.
- (v) Yelloweye Rockfish.
- (w) Yellowtail Rockfish.
- (x) Darkblotched Rockfish.
- (y) Pacific Ocean Perch.
- (z) Longspine Thornyhead.
- (aa) Shortspine Thornyhead.
- (bb) Arrowtooth Flounder.
- (cc) Dover Sole.
- (dd) Petrale Sole.
- (ee) Rex Sole.
- (ff) Other Flatfish.
- (gg) Lingcod.
- (hh) Sablefish.
- (ii) Pacific Whiting.

(2) For the purpose of this rule, "Other nearshore rockfish" means: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).

(3) For the purpose of this rule a "commercial harvest cap" is defined as the total fishery-related mortality for a given species, or species group, that may occur in a single calendar year in Oregon commercial fisheries. For 2010, the commercial harvest cap for black rockfish is 139.2 metric tons.

(4) For the purpose of this rule a "commercial landing cap" is defined as the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries. For 2010, the commercial landing caps are:

- (a) Black rockfish, 137.9 metric tons.
- (b) Black rockfish and blue rockfish combined of 141.9 metric tons.
- (c) Other nearshore rockfish, 14.3 metric tons.
- (d) Cabezon, 31.3 metric tons.
- (e) Greenling, 23.4 metric tons.

(5) For the purpose of this rule, the periods to which cumulative trip limits apply are: January through February (period 1); March through April (period 2); May through June (period 3); July through August (period 4); September through October (period 5); and November through December (period 6).

(6) For black and blue rockfish combined, no vessel may land more than:

- (a) 800 pounds in period 1;
 - (b) 1,000 pounds in period 2;
 - (c) 1,400 pounds in period 3;
 - (d) 1,600 pounds in period 4;
 - (e) 1,200 pounds in period 5; and
 - (f) 1,000 pounds in period 6.
- (7) In each period, no vessel may land more than:
- (a) 700 pounds of other nearshore rockfish, combined;
 - (b) 1,500 pounds of cabezon; or
 - (c) 250 pounds of greenling species in periods 1-3.
 - (d) 300 pounds of greenling species in periods 4-6.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 73-1982(Temp), f. & ef. 10-27-82; FWC 1-1983 (Temp), f. & ef. 1-6-83; FWC 10-1983, f. & ef. 3-1-83; FWC 23-1983(Temp), f. & ef. 6-14-83; FWC 41-1983(Temp), f. & ef. 9-6-83; FWC 3-1984 f. & ef. 1-26-84; FWC 18-1984 (Temp), f. 5-4-84, ef. 5-6-84; FWC 36-1984(Temp), f. 7-31-84, ef. 8-1-84; FWC 1-1985(Temp), f. & ef. 1-4-85; FWC 5-1985, f. & ef. 2-19-85; FWC 18-1985(Temp), f. 4-26-85, ef. 4-27-85; FWC 52-1985(Temp), f. 8-30-85, ef. 9-1-85; FWC 65-1985 (Temp), f. & ef. 10-4-85; FWC 82-1985, f. 12-16-85, ef. 1-1-86; FWC 50-1986(Temp), f. & ef. 8-29-86; FWC 81-1986, f. 12-31-86, ef. 1-1-87; FWC 57-1987(Temp), f. & ef. 7-24-87; FWC 104-1987, f. 12-18-87, ef. 1-1-88; FWC 97-1988(Temp), f. & cert. ef. 1-6-88; FWC 103-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 49-1989(Temp), f. & cert. ef. 7-26-89; FWC 69-1990 (Temp), f. 7-24-90, cert. ef. 7-25-90; FWC 122-1990, f. 11-26-90, cert. ef. 11-29-90; FWC 130-1990, f. 12-31-90, cert. ef. 1-1-91; FWC 48-1991(Temp), f. & cert. ef. 5-3-91; FWC 82-1991(Temp), f. 7-30-91, cert. ef. 7-31-91; FWC 83-1991, f. 8-1-91, cert. ef. 7-31-91; FWC 58-1992(Temp), f. & cert. ef. 7-29-92; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 9-1992, f. 2-20-92, cert. ef. 2-21-92; FWC 58-1992(Temp), f. & cert. ef. 7-29-92; FWC 6-1993, f. 1-28-93, cert. ef. 2-1-93; FWC 10-1993, f. & cert. ef. 2-10-93; FWC 1-1994, f. & cert. ef. 1-14-94; FWC 32-1994, f. & cert. ef. 6-3-94; FWC 44-1994, f. 7-26-94, cert. ef. 8-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 45-1995, f. & cert. ef. 6-1-95; FWC 94-1995(Temp), f. 12-29-95, cert. ef. 1-1-96; FWC 9-1996, f. 3-5-96, cert. ef. 3-8-96; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 119-2002(Temp), f. 10-24-02, cert. ef. 10-25-02 thru 12-31-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 14-2003(Temp), f. 2-20-03, cert. ef. 2-21-03 thru 8-19-03; DFW 25-2003, f. & cert. ef. 3-26-03; DFW 60-2003(Temp), f. 7-15-03, cert. ef. 7-16-03 thru 12-31-03; DFW 79-2003(Temp), f. & cert. ef. 8-18-03 thru 12-31-03; DFW 102-2003(Temp), f. 9-30-03, cert. ef. 10-1-03 thru 12-31-03; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 76-2004(Temp), f. 7-23-04, cert. ef. 7-28-04 thru 12-31-04; DFW 100-2004(Temp), f. & cert. ef. 9-28-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 120-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 31-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 82-2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 12-31-05; DFW 86-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; DFW 119-2005(Temp), f. 10-10-05, cert. ef. 10-11-05 thru 12-31-05; DFW 135-2005(Temp), f. 11-30-05, cert. ef. 12-1-05 thru 12-31-05; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 50-2006(Temp), f. 6-28-06, cert. ef. 7-1-06 thru 12-27-06; DFW 83-2006(Temp), f. 8-10-06, cert. ef. 8-11-06 thru 2-6-07; DFW 108-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06; DFW 133-2006(Temp), f. 12-21-06, cert. ef. 1-1-07 thru 6-29-07; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 83-2007(Temp), f. 8-31-07, cert. ef. 9-1-07 thru 12-31-07; DFW 120-2007(Temp), f. 10-30-07, cert. ef. 11-1-07 thru 12-31-07; DFW 123-2007(Temp), f. 11-26-07, cert. ef. 11-28-07 thru 12-31-07; DFW 128-2007, f. 12-13-07, cert. ef. 1-1-08; Administrative Correction 1-24-08; DFW 70-2008(Temp), f. 6-26-08, cert. ef. 7-1-08 thru 12-27-08; DFW 123-2008(Temp), f. 9-30-08, cert. ef. 10-2-08 thru 12-31-08; DFW 154-2008(Temp), f. 12-29-08, cert. ef. 1-1-09 thru 6-29-09; DFW 21-2009(Temp), f. 2-26-09, cert. ef. 3-1-09 thru 8-27-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 75-2009(Temp), f. 6-26-09, cert. ef. 7-1-09 thru 12-28-09; DFW 127-2009(Temp), f. 10-8-09, cert. ef. 10-10-09 thru 12-31-09; DFW 155-2009, f. 12-28-09, cert. ef. 1-1-10; DFW 110-2010(Temp), f. 7-30-10, cert. ef. 8-1-10 thru 12-31-10

Rule Caption: Treaty Indian Fall Fisheries for Columbia River Above Bonneville Dam Implemented.

Adm. Order No.: DFW 111-2010(Temp)

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 8-1-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0076(T)

Subject: Amended rule allows the commercial sales of fish caught during the Treaty Indian Fall salmon platform and hook-and-line fishery in the Columbia River above Bonneville Dam (Zone 6). The fall platform and hook-and-line chinook and steelhead fishery begins at 12:01 a.m. Sunday, August 1, 2010 and runs through Sunday,

ADMINISTRATIVE RULES

October 31, 2010. Implementation is consistent with action taken July 29, 2010 by the State of Oregon.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) The commercial platform and hook-and-line fisheries and the Yakama, Warm Springs and Umatilla tribal subsistence fisheries downstream of Bonneville Dam (bank fishing only) conducted under agreements with the states of Oregon and Washington opened 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice. The commercial platform and hook-and-line fisheries above Bonneville Dam (Zone 6) opened 6:00 a.m. Wednesday, June 16, 2010 and continue until further notice.

(a) Allowable sales include Chinook, steelhead, sockeye, coho, wall-eye, shad, yellow perch, bass and carp. Sturgeon caught in the tribal fisheries below Bonneville Dam may not be retained or sold. However, white sturgeon between 43 and 54 inches in fork length taken from The Dalles and John Day pools and white sturgeon between 38 and 54 inches in fork length taken from the Bonneville Pool may be kept for subsistence use. Fish may NOT be sold on USACE Property below Bonneville Dam, but may be caught and transported off USACE property for sale.

(b) Gear is restricted to subsistence fishing gear:

(A) In Zone 6: hoopnets, dipnets and rod and reel with hook-and-line are allowed; and

(B) Below Bonneville Dam: hoopnets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line are allowed.

(c) Salmon, steelhead, walleye, shad, carp, bass and yellow perch landed during an open commercial fishing period may be sold at any time.

(d) Closed areas in Zone 6, except the Spring Creek sanctuary, are as set forth in OAR 635-041-0045 and remain in effect. Closed areas downstream of Bonneville Dam, are as set forth in OAR 635-041-0015 and remain in effect.

(2) Sales of salmon, steelhead, walleye, shad, carp, bass and yellow perch caught in Yakama Nation tributary fisheries in the Wind River, Big White Salmon River, Klickitat River, and Icicle Creek during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods are allowed.

(3) Until further notice, sales of adipose fin-clipped Chinook salmon, caught in Nez Perce tributary fisheries in the Snake River Basin Tributary Treaty Area, including treaty spring fisheries in the Imnaha and Grande Ronde subbasins, may be sold during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & ef. 8-2-79; FWC 36-1979(Temp), f. & ef. 8-22-79; FWC 47-1979(Temp), f. & ef. 9-21-79; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 46-1980(Temp), f. & ef. 9-13-80; FWC 33-1981(Temp), f. & ef. 9-15-81; FWC 58-1982(Temp), f. & ef. 8-27-82; FWC 62-1982(Temp), f. & ef. 9-7-82; FWC 63-1982(Temp), f. & ef. 9-14-82; FWC 75-1982(Temp), f. & ef. 10-29-82; FWC 36-1983, f. & ef. 8-18-83; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 51-1983(Temp), f. & ef. 9-30-83; FWC 55-1983(Temp), f. & ef. 10-4-83; FWC 46-1984, f. & ef. 8-30-84; FWC 55-1984(Temp), f. & ef. 9-10-84; FWC 58-1984(Temp), f. & ef. 9-17-84; FWC 61-1984(Temp), f. & ef. 9-21-84; FWC 70-1984(Temp), f. & ef. 10-9-84; FWC 47-1985, f. & ef. 8-23-85; FWC 60-1985(Temp), f. & ef. 9-13-85; FWC 63-1985(Temp), f. & ef. 9-24-85; FWC 42-1986, f. & ef. 8-15-86; FWC 53-1986(Temp), f. & ef. 9-4-86; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 57-1986(Temp), f. & ef. 9-11-86; FWC 60-1986(Temp), f. & ef. 9-26-86; FWC 62-1986(Temp), f. & ef. 10-2-86; FWC 63-1987, f. & ef. 8-7-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987(Temp), f. & ef. 9-1-87; FWC 78-1987(Temp), f. & ef. 9-15-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 89-1987(Temp), f. & ef. 10-12-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 72-1988(Temp), f. & cert. ef. 8-19-88; FWC 77-1988(Temp), f. & cert. ef. 9-2-88; FWC 91-1988(Temp), f. & cert. ef. 9-16-88; FWC 95-1988(Temp), f. & cert. ef. 9-28-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 87-1989(Temp), f. & cert. ef. 9-1-89; FWC 95-1989(Temp), f. & cert. ef. 9-19-89; FWC 96-1989(Temp), f. & cert. ef. 9-21-89; FWC 99-1989(Temp), f. & cert. ef. 9-27-89; FWC 100-1989(Temp), f. & cert. ef. 9-28-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 90-1990, f. & cert. ef. 8-31-90; FWC 96-1990(Temp), f. & cert. ef. 9-10-90; FWC 98-1990(Temp), f. & cert. ef. 9-17-90; FWC 85-1991, f. & cert. ef. 8-12-91; FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991(Temp), f. & cert. ef. 9-10-91; FWC 103-1991(Temp), f. & cert. ef. 9-18-91; FWC 110-1991(Temp), f. & cert. ef. 9-27-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 86-1992(Temp), f. & cert. ef. 9-2-92; FWC 87-1992(Temp), f. & cert. ef. 9-7-92; FWC 91-1992(Temp), f. & cert. ef. 9-16-92, cert. ef. 9-17-92; FWC 96-1992(Temp), f. & cert. ef. 9-23-92; FWC 105-1992(Temp), f. & cert. ef. 10-5-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 47-1993, f. & cert. ef. 8-6-93, cert. ef. 8-9-93; FWC 52-1993, f. & cert. ef. 8-30-93; FWC 57-1993(Temp), f. & cert. ef. 9-13-93; FWC 59-1993(Temp), f. & cert. ef. 9-20-93; FWC 61-1993(Temp), f. & cert. ef. 9-24-93; FWC 55-1994(Temp), f. & cert. ef. 8-26-94, cert. ef. 8-29-94; FWC 61-1994(Temp), f. & cert. ef. 9-7-94, cert. ef. 9-8-94; FWC 74-1994(Temp), f. & cert. ef. 10-12-94; FWC 68-1995(Temp), f. & cert. ef. 8-25-95, cert. ef. 8-29-95; FWC 72-1995(Temp), f. & cert. ef. 9-1-95; FWC 75-1995(Temp), f. & cert. ef. 9-12-95, cert. ef. 9-13-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1996(Temp), f. & cert. ef. 8-29-96, cert. ef. 9-2-96; FWC 51-1996(Temp), f. & cert. ef. 9-9-96; FWC 53-1996(Temp), f. & cert. ef. 9-26-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 52-1997(Temp), f. & cert. ef. 8-29-97, cert. ef. 9-2-97; FWC 57(Temp), f. & cert. ef. 9-9-97; FWC 60-1997(Temp), f. & cert. ef. 9-17-97; FWC 68-1998(Temp), f. & cert. ef. 8-25-98 thru 9-25-98; FWC 76-1998(Temp), f. & cert. ef. 9-8-98 thru 9-25-98; DFW 77-1998(Temp), f. & cert. ef. 9-14-98, cert. ef. 9-15-98 thru 9-25-98; DFW 99-1998(Temp), f. & cert. ef. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. & cert. ef. 9-23-98, cert. ef. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. & cert. ef. 9-2-99, cert. ef. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. ef. 9-14-99, cert. ef. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. ef. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & cert. ef. 9-21-99, cert. ef. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. & cert. ef. 9-28-99, cert. ef. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. ef. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. ef. 9-11-00, cert. ef. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. ef. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. ef. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. & cert. ef. 9-10-01, cert. ef. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. ef. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. ef. 10-16-01, cert. ef. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. ef. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & cert. ef. 10-14-02, cert. ef. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. & cert. ef. 8-25-03, cert. ef. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & cert. ef. 9-12-03, cert. ef. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. ef. 9-22-03, cert. ef. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. ef. 9-26-03, cert. ef. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. ef. 10-3-03, cert. ef. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. ef. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. ef. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & cert. ef. 10-12-04, cert. ef. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. ef. 10-29-04 thru 12-31-04; Administrative correction 2-18-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. ef. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & cert. ef. 7-31-06, cert. ef. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. ef. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. ef. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. & cert. ef. 9-28-06, cert. ef. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & cert. ef. 10-13-06, cert. ef. 10-15-06 thru 12-31-06; Administrative correction 1-16-07; DFW 60-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 12-31-07; DFW 77-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-22-07 thru 12-31-07; DFW 88-2007(Temp), f. & cert. ef. 9-10-07, cert. ef. 9-11-07 thru 12-31-07; DFW 95-2007(Temp), f. & cert. ef. 9-21-07, cert. ef. 9-25-07 thru 12-31-07; DFW 100-2007(Temp), f. & cert. ef. 9-28-07, cert. ef. 10-3-07 thru 12-31-07; DFW 110-2007(Temp), f. & cert. ef. 10-16-07, cert. ef. 10-20-07 thru 12-31-07; DFW 106-2008(Temp), f. & cert. ef. 9-6-08 thru 10-31-08; DFW 109-2008(Temp), f. & cert. ef. 9-12-08, cert. ef. 9-15-08 thru 10-31-08; DFW 112-2008(Temp), f. & cert. ef. 9-17-08, cert. ef. 9-18-08 thru 10-31-08; DFW 117-2008(Temp), f. & cert. ef. 9-22-08 thru 10-31-08; DFW 122-2008(Temp), f. & cert. ef. 9-29-08 thru 10-31-08; DFW 125-2008(Temp), f. & cert. ef. 10-6-08, cert. ef. 10-7-08 thru 10-31-08; DFW 134-2008(Temp), f. & cert. ef. 10-17-08 thru 10-31-08; DFW 141-2008(Temp), f. & cert. ef. 11-10-08, cert. ef. 11-12-08 thru 11-30-08; DFW 88-2009(Temp), f. & cert. ef. 7-31-09, cert. ef. 8-1-09 thru 12-31-09; DFW 95-2009(Temp), f. & cert. ef. 8-19-09, cert. ef. 8-24-09 thru 12-31-09; DFW 111-2009(Temp), f. & cert. ef. 9-11-09, cert. ef. 9-13-09 thru 9-30-09; DFW 114-2009(Temp), f. & cert. ef. 9-18-09, cert. ef. 9-21-09 thru 10-31-09; DFW 119-2009(Temp), f. & cert. ef. 9-29-09 thru 10-31-09; DFW 129-2009(Temp), f. & cert. ef. 10-13-09, cert. ef. 10-14-09 thru 10-31-09; Administrative correction 11-19-09; DFW 111-2010(Temp), f. & cert. ef. 8-1-10 thru 10-31-10

Rule Caption: Fall Commercial Drift Gill Net Seasons Set for Columbia River Mainstem.

Adm. Order No.: DFW 112-2010(Temp)

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 8-3-10 thru 8-31-10

Notice Publication Date:

Rules Amended: 635-042-0031

Subject: Amended rule sets the 2010 fall commercial salmon drift gill net seasons for the Columbia River mainstem in zones 1 thru 5. A new modification to the rule this year, requested by Oregon State Police, Fish and Wildlife Division, requires that lighted buoys be placed on both ends of the fishing net, unless one end of the net is attached to the fishing boat, in which case a lighted buoy placed on the end of the net opposite from the boat is required.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River:

(a) Zones 1–5, as identified in OAR 635-042-0001 as follows:

7:00 p.m. Tuesday, August 3 to 7:00 a.m. Wednesday, August 4, 2010 (12 hours);
7:00 p.m. Thursday, August 5 to 7:00 a.m. Friday, August 6, 2010 (12 hours); and
7:00 p.m. Sunday, August 8 to 7:00 a.m. Monday, August 9, 2009 (12 hours).

(b) Zones 2–5 as follows:

7:00 p.m. Tuesday, August 10 to 7:00 a.m. Wednesday, August 11, 2010 (12 hours).

(2) Only drift gill nets may be used. It is *unlawful* to use a gill net having a mesh size less than 9 inches or more than 9.75 inches (as described in OAR 635-042-0010(4)). Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat. If the net is attached to the

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boat, then one lighted buoy on the opposite end of the net from the boat is required.

(3) A maximum of six (6) white sturgeon, 43–54 inches in fork length, may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) the fishery is open. The sturgeon possession and sales limit includes mainstem fisheries only. Retention of green sturgeon is prohibited.

(4) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis-A, Washougal River and Sandy River sanctuaries are in effect during open fishing periods identified above.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. & cert. ef. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. & cert. ef. 8-8-90; FWC 85-1991, f. & cert. ef. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. & cert. ef. 8-20-97, cert. ef. 8-24-97; FWC 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; FWC 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; FWC 75-1999(Temp), f. & cert. ef. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; FWC 50-2000(Temp), f. & cert. ef. 8-21-00 thru 9-9-00; FWC 52-2000(Temp), f. & cert. ef. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; FWC 68-2001(Temp), f. & cert. ef. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; FWC 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; FWC 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; FWC 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; FWC 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; FWC 81-2002(Temp), f. & cert. ef. 8-4-02 thru 8-9-02; FWC 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; FWC 89-2002(Temp), f. & cert. ef. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; FWC 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; FWC 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; FWC 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; FWC 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; FWC 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; FWC 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; FWC 86-2004(Temp), f. & cert. ef. 8-19-04 thru 12-31-04; FWC 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; FWC 85-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; FWC 88-2005(Temp), f. & cert. ef. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; FWC 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; FWC 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; FWC 98-2005(Temp), f. & cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; FWC 72-2006(Temp), f. & cert. ef. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; FWC 82-2006(Temp), f. & cert. ef. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; FWC 88-2006(Temp), f. & cert. ef. 8-21-06 thru 12-31-06; FWC 89-2006(Temp), f. & cert. ef. 8-25-06 thru 12-31-06; Administrative correction 1-16-07; FWC 61-2007(Temp), f. & cert. ef. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; FWC 72-2007(Temp), f. & cert. ef. 8-17-07, cert. ef. 8-23-07 thru 8-31-07; Administrative Correction 9-16-07; FWC 85-2008(Temp), f. & cert. ef. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; FWC 93-2008(Temp), f. & cert. ef. 8-12-08 thru 12-31-08; FWC 95-2008(Temp), f. & cert. ef. 8-14-08 thru 9-30-08; FWC 100-2008(Temp), f. & cert. ef. 8-22-08, cert. ef. 8-25-08 thru 9-30-08; FWC 102-2008(Temp), f. & cert. ef. 8-26-08 thru 9-1-08; Administrative correction 9-29-08; Administrative correction 10-21-08; FWC 89-2009(Temp), f. & cert. ef. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; FWC 90-2009(Temp), f. & cert. ef. 8-7-09, cert. ef. 8-8-09 thru 12-31-09; FWC 96-2009(Temp), f. & cert. ef. 8-21-09 thru 8-31-09; FWC 97-2009(Temp), f. & cert. ef. 8-25-09 thru 8-31-09; FWC 100-2009(Temp), f. & cert. ef. 8-27-09 thru 8-31-09; Administrative correction 9-29-09; FWC 112-2010(Temp), f. & cert. ef. 7-30-10, cert. ef. 8-3-10 thru 8-31-10

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Rule Caption: 2010 Fall Commercial Seasons Set for Columbia River Select Area Fisheries.

Adm. Order No.: DFW 113-2010(Temp)

Filed with Sec. of State: 8-2-2010

Certified to be Effective: 8-4-10 thru 10-31-10

Notice Publication Date:

Rules Amended: 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180

Subject: Amended rules to set 2010 fall commercial salmon seasons for the Columbia River Select Areas. Fall Select Area fisheries implemented include: Youngs Bay; Blind and Knappa sloughs; Tongue Point/South Channel and Deep River.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-042-0145

Youngs Bay Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes in those waters of Youngs Bay.

(a) The open fishing periods are established in three segments categorized as the winter fishery, paragraph (A); the spring fishery, paragraph (B); and fall fishery, paragraph (C), as follows:

(A) Winter Season:

(i) Entire Youngs Bay: None scheduled.

(ii) Upstream of old Youngs Bay Bridge: None scheduled.

(iii) Walluski Area: None scheduled.

(B) Spring Season: Entire Youngs Bay: From 7:00 p.m. Tuesday, May 11 through 12:00 noon Friday May 14, 2010; 12:00 noon Monday May 17 through 12:00 noon Friday May 21, 2010; 12:00 noon Monday May 24 through 12:00 noon Friday May 28, 2010; 12:00 noon Monday May 31

through 12:00 noon Friday June 4, 2010; 12:00 noon Monday June 7, through 12:00 noon Friday June 11, 2010.

(C) Fall Season: 7:00 a.m. Wednesday August 4 to 7:00 p.m. Thursday August 5 (36 hours); 7:00 a.m. Wednesday August 11 to 7:00 p.m. Thursday August 12 (36 hours); 7:00 a.m. Wednesday August 18 to 7:00 p.m. Thursday August 19 (36 hours); 7:00 a.m. Wednesday August 25 to 7:00 p.m. Thursday August 26 (36 hours); 7:00 p.m. Monday August 30 through 7:00 a.m. Friday September 3, 2010 (3.5 days); and 7:00 p.m. Monday September 6 through noon Sunday October 31, 2010 (56 days).

(b) The fishing areas for the winter, spring and fall fisheries are:

(A) From February 21 through March 15 and from April 15 through May 10, 2010, the fishing area is identified as the waters of Youngs Bay with the upper boundary markers at the confluence of the Klaskanine and Youngs rivers; except for those waters which are closed southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(B) From May 11 through June 11, 2010, the fishing area extends to the upper boundary at a line from the posted sign on the shore of the Youngs River to the point of land at the confluence of the Youngs and Klaskanine rivers to the posted sign on the shore of the Klaskanine River.

(C) From August 4 through October 31, 2010 the fishing area includes all waters from the new Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for closed waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(a) It is *unlawful* to use a gill net having a mesh size that is less than 7-inches during the winter season. It is *unlawful* to use a gill net having a mesh size that is more than 9.75-inches through August 26, 2010; and more than 6-inches thereafter.

(b) The use of additional weights or anchors attached directly to the leadline is allowed upstream of markers located approximately 200 yards upstream of the mouth of the Walluski River during all Youngs Bay commercial fisheries.

(3) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fisheries are open. During the fishing periods identified in (1)(a)(A), (1)(a)(B) and (1)(a)(C), the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & cert. ef. 8-22-79; FWC 28-1980, f. & cert. ef. 6-23-80; FWC 42-1980(Temp), f. & cert. ef. 8-22-80; FWC 30-1981, f. & cert. ef. 8-14-81; FWC 42-1981(Temp), f. & cert. ef. 11-5-81; FWC 54-1982, f. & cert. ef. 8-17-82; FWC 37-1983, f. & cert. ef. 8-18-83; FWC 61-1983(Temp), f. & cert. ef. 10-19-83; FWC 42-1984, f. & cert. ef. 8-20-84; FWC 39-1985, f. & cert. ef. 8-15-85; FWC 37-1986, f. & cert. ef. 8-11-86; FWC 72-1986(Temp), f. & cert. ef. 10-31-86; FWC 64-1987, f. & cert. ef. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 55-1989(Temp), f. & cert. ef. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. & cert. ef. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. & cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. & cert. ef. 5-25-92, cert. ef. 5-25-92; FWC 74-1992(Temp), f. & cert. ef. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. & cert. ef. 8-9-93; FWC 21-1994(Temp), f. & cert. ef. 4-22-94, cert. ef. 4-25-94; FWC 51-1994, f. & cert. ef. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. & cert. ef. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 27-1995, f. & cert. ef. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. & cert. ef. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. & cert. ef. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. & cert. ef. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. & cert. ef. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. & cert. ef. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; FWC 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; FWC 14-1998, f. & cert. ef. 3-3-98; FWC 18-1998(Temp), f. & cert. ef. 3-11-98 thru 3-31-98; FWC 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; FWC 67-1998, f. & cert. ef. 8-24-98; FWC 10-1999, f. & cert. ef. 2-26-99; FWC 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; FWC 55-1999, f. & cert. ef. 8-12-99; FWC 9-2000, f. & cert. ef. 2-25-00; FWC 42-2000, f. & cert. ef. 8-3-00; FWC 3-2001, f. & cert. ef. 2-6-01; FWC 66-2001(Temp), f. & cert. ef. 8-2-01, cert. ef. 8-6-01 thru 8-14-01; FWC 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; FWC 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; FWC 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; FWC 82-2002(Temp), f. & cert. ef. 8-5-02, cert. ef. 8-7-02 thru 9-1-02; FWC 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; FWC 12-2003, f. & cert. ef. 2-14-03; FWC 17-2003(Temp), f. & cert. ef. 2-27-03, cert. ef. 3-1-03 thru 8-1-03; FWC 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; FWC 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; FWC 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; FWC 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; FWC 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; FWC 89-2003(Temp), f. & cert. ef. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; FWC 11-2004, f. & cert. ef. 2-13-04; FWC 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; FWC 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; FWC 28-2004(Temp), f. & cert. ef. 4-12-04 thru 4-15-04; FWC

ADMINISTRATIVE RULES

39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 7-31-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. 7-8-05, cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 16-2007(Temp), f. & cert. ef. 3-14-07 thru 9-9-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 30-2008(Temp), f. 3-27-08, cert. ef. 3-30-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 24-2009(Temp), f. 3-10-09, cert. ef. 3-11-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 17-2010(Temp), f. & cert. ef. 2-22-10 thru 7-31-10; DFW 20-2010(Temp), f. & cert. ef. 2-26-10 thru 7-31-10; DFW 30-2010(Temp), f. 3-11-10, cert. ef. 3-14-10 thru 7-31-10; DFW 35-2010(Temp), f. 3-23-10, cert. ef. 3-24-10 thru 7-31-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon, white sturgeon, and shad may be taken for commercial purposes during open fishing periods described as the winter fishery and the fall fishery in paragraphs (1)(a)(A) or (1)(a)(B) of this rule in those waters of Blind Slough and Knappa Slough. The following restrictions apply:

(a) The open fishing periods are established in segments categorized as the winter fishery in Blind Slough only in paragraph (A), and the spring fishery in Blind Slough and Knappa Slough in paragraph (B). The seasons are open nightly from 7:00 p.m. to 7:00 a.m. the following morning (12 hours), as follows:

(A) Blind Slough Only: None scheduled.

(B) Blind and Knappa Sloughs:

(i) Open 7:00 p.m. to 7:00 a.m. nightly (12 hours) during the following weeks: Monday, August 30 through Friday, September 3, 2010 (4 nights); Monday, September 6 through Friday, September 10, 2010 (4 nights); Monday, September 13 through Friday, September 17, 2010 (4 nights); and

(ii) Open 6:00 p.m. to 8:00 a.m. nightly (14 hours) during the following weeks: Monday, September 20 through Friday, September 24 (4 nights); Monday, September 27 through Friday, October 1 (4 nights); Monday, October 4 through Friday, October 8 (4 nights); Monday, October 11 through Friday, October 15 (4 nights); Monday, October 18 through Friday, October 22 (4 nights); Monday, October 25 through Friday, October 29 (4 nights).

(b) The fishing areas for the winter and fall seasons are:

(A) Blind Slough are those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(B) Knappa Slough are all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

(C) During the periods from May 11 through June 11, 2010 identified above in (1)(a)(B), the Knappa Slough fishing area extends from a line between the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to the boundary lines defined by

markers on the west end of Minaker Island to markers on Karlson Island and the Oregon shore (fall boundary).

(c) Gear restrictions are as follows:

(A) During the winter fishery, outlined above in (1)(a)(A), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is less than 7-inches.

(B) During the fall fishery, outlined above in (1)(a)(B), gill nets may not exceed 100 fathoms in length with no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is more than 9.75-inches. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(2) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in sections (1)(a)(A) and (1)(a)(B) the weekly white sturgeon limit applies to combined possessions and sales for all open Select Area fisheries only.

(3) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp) f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 45-2007(Temp), f. 6-15-07, cert. ef. 6-25-07 thru 7-31-07; DFW 50-2007(Temp), f. 6-29-07, cert. ef. 7-4-07 thru 7-31-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 103(Temp), f. 8-26-08, cert. ef. 9-2-08 thru 10-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 15-2010(Temp), f. 2-19-10, cert. ef. 2-21-10 thru 6-11-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10

635-042-0170

Tongue Point Basin and South Channel

(1) Tongue Point fishing area includes all waters bounded by a line from a yellow marker midway between the red USCG navigation light #2

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at the tip of Tongue Point and the downstream (northern most) pier (#8) at the Tongue Point Job Corps facility, to the flashing green USCG navigation light #3 at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the southeast end of Mott Island northeasterly to a marker on the northwest tip of Lois Island, and a line from a marker on the southwest end of Lois Island due westerly to a marker on the Oregon shore.

(2) South Channel area includes all waters bounded by a line from a marker on John Day Point through the green USCG buoy "7" thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red USCG marker "10" thence northwesterly to a marker on Burnside Island defining the upstream terminus of South Channel.

(3)(a) Salmon and white sturgeon may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in section (1) and section (2) of this rule. Open fishing periods are:

(b) Fall Season:

(i) Open 7:00 p.m. to 7:00 a.m. (12 hours) nightly during the following weeks: Monday, August 30 through Friday, September 3, 2010 (4 nights); Monday, September 6 through Friday, September 10, 2010 (4 nights); Monday, September 13 through Friday, September 17, 2010 (4 nights); and

(ii) Open 4:00 p.m. to 8:00 a.m. (16 hours) nightly during the following weeks: Monday, September 20 through Friday, September 24 (4 nights); Monday, September 27 through Friday, October 1 (4 nights); Monday, October 4 through Friday, October 8 (4 nights); Monday, October 11 through Friday, October 15 (4 nights); Monday, October 18 through Friday, October 22 (4 nights); Monday, October 25 through Friday, October 29 (4 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is *unlawful* to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored on boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored on boats.

(c) Nets not specifically authorized for use in the fisheries described in sections (1) and (2) above may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(5) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in sections (3)(a)(i) and (3)(a)(ii) above, the weekly white sturgeon combined possession and sales limit applies to open Select Area fisheries only.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06; Administrative correction 1-16-07; DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 44-2008(Temp), f. 4-25-08, cert. ef. 4-28-08 thru 10-24-08; DFW 48-2008(Temp),

f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; Administrative correction 11-19-09; DFW 29-2010(Temp), f. 3-9-10, cert. ef. 4-19-10 thru 6-12-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes from the US Coast Guard navigation marker #16 southwest to a marker on the Washington shore. Concurrent waters extend downstream of the Highway 4 Bridge. Washington State waters extend upstream of the Highway 4 Bridge.

(2) The fishing seasons are open:

(a) Winter season: None scheduled.

(b) Fall season:

(A) Open 7:00 p.m. to 9:00 a.m. (14 hours) nightly during the following nights and weeks: Monday, August 16 through Tuesday, August 17 (1 night); Thursday, August 19 through Friday, August 20 (1 night); Monday, August 23 through Tuesday, August 24 (1 night); Thursday, August 26 through Friday, August 27 (1 night); Monday, August 30 through Friday, September 3 (4 nights); Monday, September 6 through Friday, September 10 (4 nights); Monday, September 13 through Friday, September 17 (4 nights); and

(B) Open 4:00 p.m. to 9:00 a.m. (17 hours) nightly during the following weeks: Monday, September 20 through Friday, September 24 (4 nights); Monday, September 27 through Friday, October 1 (4 nights); Monday, October 4 through Friday, October 8 (4 nights); Monday, October 11 through Friday, October 15 (4 nights); Monday, October 18 through Friday, October 22 (4 nights); Monday, October 25 through Friday, October 29 (4 nights).

(3) Gill nets may not exceed 100 fathoms in length and there is no weight limit on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Nets may not be tied off to stationary structures and may not fully cross navigation channel. Nets not specifically authorized for use in this fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater. Nets fished any time between official sunset and sunrise must have lighted buoys on both ends of the net. If the net is attached to the boat, then one lighted buoy on the end of the net opposite the boat is required.

(a) During the winter season, outlined above in (2)(a), it is *unlawful* to use a gill net having a mesh size that is less than 7-inches;

(b) During the fall season, outlined above in (2)(b) it is *unlawful* to use a gill net having a mesh size that is more than 6-inches.

(4) A maximum of two white sturgeon may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday) that the fishery is open. During the fishing periods identified in (2)(a) and (2)(b) above, the weekly white sturgeon limit applies to combined possessions and sales for open Select Area fisheries only.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 77-2006(Temp), f. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06; Administrative correction 1-16-07; DFW 7-2007(Temp), f. 1-31-07, cert. ef. 2-1-07 thru 7-30-07; DFW 9-2007, f. & cert. ef. 2-14-07; DFW 13-2007(Temp), f. & cert. ef. 3-6-07 thru 9-1-07; DFW 25-2007(Temp), f. 4-17-07, cert. ef. 4-18-07 thru 7-26-07; DFW 28-2007(Temp), f. & cert. ef. 4-26-07 thru 7-26-07;

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DFW 61-2007(Temp), f. 7-30-07, cert. ef. 8-1-07 thru 10-31-07; DFW 108-2007(Temp), f. 10-12-07, cert. ef. 10-14-07 thru 12-31-07; Administrative Correction 1-24-08; DFW 6-2008(Temp), f. 1-29-08, cert. ef. 1-31-08 thru 7-28-08; DFW 16-2008(Temp), f. 2-26-08, cert. ef. 3-2-08 thru 8-28-08; DFW 48-2008(Temp), f. & cert. ef. 5-12-08 thru 8-28-08; DFW 58-2008(Temp), f. & cert. ef. 6-4-08 thru 8-31-08; DFW 85-2008(Temp), f. 7-24-08, cert. ef. 8-1-08 thru 12-31-08; DFW 108-2008(Temp), f. 9-8-08, cert. ef. 9-9-08 thru 12-31-08; Administrative correction 1-23-09; DFW 12-2009(Temp), f. 2-13-09, cert. ef. 2-15-09 thru 7-31-09; DFW 23-2009(Temp), f. 3-5-09, cert. ef. 3-6-09 thru 4-30-09; DFW 35-2009(Temp), f. 4-7-09, cert. ef. 4-8-09 thru 4-30-09; DFW 49-2009(Temp), f. 5-14-09, cert. ef. 5-17-09 thru 7-31-09; DFW 89-2009(Temp), f. 8-3-09, cert. ef. 8-4-09 thru 12-31-09; DFW 107-2009(Temp), f. 9-2-09, cert. ef. 9-5-09 thru 10-31-09; DFW 112-2009(Temp), f. 9-11-09, cert. ef. 9-13-09 thru 10-30-09; DFW 121-2009(Temp), f. & cert. ef. 9-30-09 thru 10-31-09; Administrative correction 11-19-09; DFW 16-2010(Temp), f. 2-19-10, cert. ef. 2-22-10 thru 6-10-10; DFW 40-2010(Temp), f. & cert. ef. 4-1-10 thru 7-31-10; DFW 46-2010(Temp), f. & cert. ef. 4-21-10 thru 7-31-10; DFW 53-2010(Temp), f. & cert. ef. 5-4-10 thru 7-31-10; DFW 57-2010(Temp), f. & cert. ef. 5-11-10 thru 7-31-10; DFW 69-2010(Temp), f. & cert. ef. 5-18-10 thru 7-31-10; DFW 113-2010(Temp), f. 8-2-10, cert. ef. 8-4-10 thru 10-31-10

Rule Caption: Adopt and Modify Commercial Dungeness Crab Fishery Gear Rules.

Adm. Order No.: DFW 114-2010

Filed with Sec. of State: 8-10-2010

Certified to be Effective: 8-10-10

Notice Publication Date: 7-1-2010

Rules Amended: 635-005-0055

Subject: This rule amends commercial Dungeness crab fishing gear requirements for implementation during the 2010–2011 season, beginning December 1, 2010.

Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-005-0055

Fishing Gear

It is *unlawful* for commercial purposes to:

(1) Take crab by any means other than crab rings or crab pots (ORS 509.415); a crab ring is any fishing device that allows crab unrestricted entry or exit while fishing.

(2) Possess on a vessel, use, control, or operate any crab pot which is greater than thirteen cubic feet in volume, calculated using external dimensions.

(3) Possess on a vessel, use, control, or operate any crab pot which does not include a minimum of two circular escape ports of at least 4-1/4 inches inside diameter located on the top or side of the pot. If escape ports are placed on the side of the pot, they shall be located in the upper half of the pot.

(4) Possess on a vessel, use, control, or operate any crab pot which does not have a release mechanism. Acceptable release mechanisms are:

(a) A single loop of untreated cotton not heavier than 120 thread size between pot lid tiedown hooks and the tiedown straps; or

(b) Any modification of the wire mesh on the top or upper half of the side of the pot, secured with a single strand of untreated cotton not heavier than 120 thread size, which, when removed, will create a minimum opening of at least 5 inches in diameter and will meet the following:

(A) The minimum opening may have not more than a single wire mesh (described as a “V”) that protrudes into the opening provided that mesh extends into the opening a distance of not more than 2.5 inches, as measured from the perimeter of the opening along either edge of the protruding wire mesh, to serve as an anchor for the securing cotton. The panel containing the opening and the wire mesh acting as an anchor for the securing cotton must be constructed of a single wire no greater than 0.050 inches in diameter.

(B) Cotton must not be wrapped multiple times around wire mesh and may use no more than one knot securing the wire mesh at each end.

(5) Place, operate, or leave crab rings or pots in the Pacific Ocean and Columbia River or in any bay or estuary during the closed season, except that in only the Pacific Ocean and Columbia River, rings or pots may be placed no more than 64 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited crab rings or pots with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a period not to exceed 14 days following the closure of the Dungeness crab season.

(6) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days without making a landing of Dungeness crab.

(7) Use commercial crab pots in the Columbia River or Pacific Ocean unless the pots are individually marked with a surface buoy bearing, in a

visible, legible and permanent manner, the brand of the owner and the Department buoy tag, provided that:

(a) The brand is a number registered with and approved by the Department;

(b) Only one unique buoy brand shall be registered to any one permitted vessel;

(c) All crab pots fished by a permitted vessel must use only the Oregon buoy brand number registered to that vessel in the area off of Oregon;

(d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in the amount determined by OAR 635-006-1015(1)(g)(E);

(e) All buoy tags eligible to a permit holder must be purchased from the Department at cost and attached to the gear prior to setting gear; and

(f) Buoys attached to a crab pot must have the buoy tag securely attached to the first buoy on the crab pot line (the buoy closest to the crab pot) at the end away from the crab pot line;

(g) Additional buoy tags to replace lost tags will be issued by the Department as follows:

(A) As of the first business day after 30 days following the season opening in the area fished, up to ten percent of the tags initially issued for that season; or

(B) For a catastrophic loss, defined as direct loss of non-deployed gear in the event of a vessel being destroyed due to fire, capsizing, or sinking. Documentation of a catastrophic loss may include any information the Department considers appropriate, such as fire department or US Coast Guard reports; or

(C) If the Director finds that the loss of the crab pot buoy tags was:

(i) due to an extraordinary event; and

(ii) the loss was minimized with the exercise of reasonable diligence; and

(iii) reasonable efforts were taken to recover lost buoy tags and associated fishing gear.

(D) Upon receipt of the declaration of loss required by subsection (7)(g)(E) of this rule, and a request for replacement tags under subsection (7)(g)(C) of this rule, the Director or the Director’s designee may provide an opportunity for the permit holder requesting the replacement tags to describe why the buoy tag loss meets the criteria for replacement under subsection (7)(g)(C). The Director or the Director’s designee shall provide the Director’s order to the permit holder and to the Department’s License Services. The permit holder may appeal the Director’s findings to the Fishery Permit Review Board under OAR 635-006-1065(1)(g).

(E) Permit holders (or their alternative designated on the buoy tag order form) must obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.

(8) Remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the vessel’s buoys and pots.

(9) Possess on a vessel, use, control, or operate any crab pot which does not have a pot tag identifying the pot as that vessel’s, a surface buoy bearing the Department buoy brand registered to that vessel and a Department buoy tag issued by the Department to that vessel, except:

(a) To set gear as allowed under OAR 635-006-1015; or

(b) To retrieve from the ocean, including the Columbia River, and transport to shore commercial crab pot(s) of another vessel which were lost, forgotten, damaged, abandoned or otherwise derelict; provided that:

(A) No more than twenty-five (25) such pots may be retrieved per trip during December 1 until the second Monday in June of the following year and no more than fifty (50) such pots may be retrieved per trip during the second Monday in June through August 28; and

(B) Upon retrieval from the ocean or Columbia River, the pot(s) must be un-baited; and

(C) Crab from the retrieved pot(s) shall not be retained; and

(D) Immediately upon retrieval of pot(s), the retrieving vessel operator must document in the retrieving vessel’s logbook the date and time of pot retrieval, number of retrieved crab pots, location of retrieval, and retrieved pot owner identification information; and

(E) Any retrieved crab pot(s) must be transported to shore during the same fishing trip that retrieval took place; or that:

(F) During August 29 through October 31, an unlimited number of such pots may be retrieved per trip and transported to shore during the same fishing trip; or

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(c) Under a waiver granted by the Department to allow one time retrieval of permitted crab gear to shore by another crab permitted vessel provided that:

(A) Vessel is incapacitated due to major mechanical failure or destroyed due to fire, capsizing, or sinking;

(B) Circumstances beyond the control of the permit holder created undue hardship as defined by OAR 635-006-1095(7)(d);

(C) A Request must be in writing and a waiver approved and issued prior to retrieval.

(D) A copy of the waiver must be on board the vessel making the retrieval. (Contact Oregon Department of Fish and Wildlife License Services, Salem for guidelines.)

(d) Under a waiver granted by the Department to allow one time change of buoy tags associated with a Dungeness crab permit transfer under OAR 635-006-1095(7) provided that:

(A) A request must be in writing and a waiver approved and issued prior to change of buoy tags.

(B) A copy of the waiver must be on board the vessel making the change of buoy tags. (Contact Department of Fish and Wildlife License Services, Salem for guidelines.)

(e) A vessel may transit through the Columbia River and the Pacific Ocean adjacent to Oregon while possessing crab pots not bearing Oregon buoy tags or Oregon buoy branded surface buoys, provided that the vessel is authorized to participate in the Dungeness crab fishery of an adjacent state.

(10) Attach one crab pot to another crab pot or ring net by a common groundline or any other means that connects crab pots together,

(11) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.

(12) Operate more than 15 crab rings from any one fishing vessel in bays or estuaries, except the Columbia River.

(13) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to the state of Oregon unless a crab pot allocation has been issued to the permit required under OAR 635-006-1015(1)(g).

(14) Deploy or fish more crab pots than the number of pots assigned by the crab pot allocation certificate or to use any vessel other than the vessel designated on the crab pot allocation, except to set gear as allowed under OAR 635-006-1015.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 285(74-20), f. 11-27-74, ef. 12-25-74, Renumbered from 625-010-0160; FWC 49-1978, f. & ef. 9-27-78, Renumbered from 635-036-0130; FWC 56-1982, f. & ef. 8-27-82; FWC 81-1982, f. & ef. 11-4-82; FWC 82-1982(Temp), f. & ef. 11-9-82; FWC 13-1983, f. & ef. 3-24-83; FWC 11-1984, f. 3-30-84, ef. 9-16-84, except section (5) per FWC 45-1984, f. & ef. 8-30-84; FWC 72-1984, f. & ef. 10-22-84; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 78-1986 (Temp), f. & ef. 12-1-86; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88; FWC 107-1990, f. & cert. ef. 10-1-90; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; FWC 84-1994, f. 10-31-94, cert. ef. 12-1-94; FWC 68-1996(Temp), f. & cert. ef. 12-5-96; FWC 2-1997, f. 1-27-97, cert. ef. 2-1-97; DFW 45-2006, f. 6-20-06, cert. ef. 12-1-06; DWF 96-2006(Temp), f. & cert. ef. 9-8-06 thru 3-6-07; DFW 97-2006(Temp), f. 9-8-06, cert. ef. 9-9-06 thru 3-7-07; DFW 123-2006(Temp), f. 11-28-06, cert. ef. 12-1-06 thru 3-7-06; DFW 135-2006(Temp), f. & cert. ef. 12-26-06 thru 6-15-07; DFW 11-2007, f. & cert. ef. 2-14-07; DFW 41-2007, f. & cert. ef. 6-8-07; DFW 82-2007(Temp), f. 8-31-07, cert. ef. 9-1-07 thru 10-31-07; DFW 113-2007, f. & cert. ef. 10-25-07; DFW 127-2007(Temp), f. & cert. ef. 12-11-07 thru 6-7-08; DFW 129-2007(Temp), f. & cert. ef. 12-14-07 thru 6-7-08; DFW 29-2008(Temp), f. & cert. ef. 3-25-08 thru 8-31-08; DFW 59-2008(Temp), f. & cert. ef. 6-11-08 thru 8-28-08; DFW 98-2008(Temp), f. 8-19-08, cert. ef. 8-29-08 thru 10-31-08; Administrative correction 11-18-08; DFW 142-2008, f. & cert. ef. 11-21-08; DFW 145-2008(Temp), f. 11-24-08, cert. ef. 12-1-08 thru 5-29-09; DFW 54-2009(Temp), f. 5-19-09, cert. ef. 5-29-09 thru 8-28-09; DFW 101-2009(Temp), f. 8-27-09, cert. ef. 8-29-09 thru 10-31-09; DFW 126-2009, f. & cert. ef. 10-7-09; DFW 114-2010, f. & cert. ef. 8-10-10

Rule Caption: Adopt Regulations That Restrict Public Access of Department Fish Hatcheries.

Adm. Order No.: DFW 115-2010

Filed with Sec. of State: 8-10-2010

Certified to be Effective: 8-10-10

Notice Publication Date: 7-1-2010

Rules Adopted: 635-008-0211

Subject: The adopted rule relates to the public's access times and activities at Department fish hatcheries. This rule, in addition to provisions of OAR 635-08-0200, defines restrictions on public use of Department fish hatcheries.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0211

Public Access to Department Hatcheries

(1) In addition to the provisions of OAR 635-008-0200, the following restrictions to public use of Department hatcheries apply:

(a) Public access to Department hatchery property is prohibited between the hours of 10:00 p.m. and 4:00 a.m. daily;

(b) Open fires are prohibited;

(c) Camping is prohibited unless specifically authorized by the Hatchery Manager;

(d) Dogs must be on leash while inside the main hatchery grounds.

(2)(a) The restrictions described in section (1) above also apply to the following Department property:

(b) Cedar Creek Access, adjacent to Sandy Hatchery and located on the Sandy River near the confluence with Cedar Creek (at T2S, R4E, Sec 12).

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: DFW 115-2010, f. & cert. ef. 8-10-10

Rule Caption: Adopt Rules for Oregon's Lower Columbia River Salmon and Steelhead Conservation and Recovery Plan.

Adm. Order No.: DFW 116-2010

Filed with Sec. of State: 8-10-2010

Certified to be Effective: 8-10-10

Notice Publication Date: 7-1-2010

Rules Adopted: 635-500-6575

Rules Amended: 635-500-0810, 635-500-0820, 635-500-0830, 635-500-0850, 635-500-0860, 635-500-1662, 635-500-3420, 635-500-3430, 635-500-3440, 635-500-3450, 635-500-3460, 635-500-03470

Subject: Adopted and amended rules relate to the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead. Housekeeping and technical corrections to the regulations were made to ensure rule consistency.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-500-0810

Habitat

(1) It is the objective of the Department to:

(2) Promote habitat conditions that contribute to achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575). This includes, but is not limited to, the following actions:

(a) Maintain and improve upstream and downstream passage for anadromous fish at dams, diversions, power projects, and, where appropriate, at natural barriers;

(b) Provide necessary in-stream flows for fish production;

(c) Reduce the impacts of reservoir management on fish production;

(d) Protect existing stream habitat from degradation associated with timber harvest and other related activities on forested lands, with road construction, and with development on private and agricultural lands;

(e) Inventory streams and assess watershed characteristics that affect fish production.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-0820

Winter Steelhead

(1) The following operating principles apply to the Clackamas sub-basin:

(a) Winter steelhead in the Clackamas subbasin shall be managed for natural and hatchery production consistent with the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575);

(b) Consistent with achieving the desired status for winter steelhead identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the lower subbasin below River Mill Dam shall be managed primarily for the production and harvest of hatchery winter steelhead. The subbasin above North Fork Dam shall be managed for natural production of the indigenous stock.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Achieve the desired status for winter steelhead in the Clackamas subbasin identified in the Lower Columbia River Conservation and

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Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575);

(b) Monitor the status of the winter steelhead run in the Clackamas subbasin;

(c) Maintain the genetic characteristics of the wild run;

(d) Increase the potential average annual harvest of winter steelhead in the subbasin to 8,000 fish (2,000 in Eagle Creek and 6,000 in the main stem of the Clackamas River, above and below River Mill Dam).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-0830

Summer Steelhead

(1) The following operating principles apply to the Clackamas subbasin:

(a) Summer steelhead shall be managed for hatchery production in the subbasin consistent with achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575);

(b) Summer steelhead smolts shall be released into streams that have suitable adult holding habitat throughout the summer and where adults will provide optimum recreational opportunity;

(c) Only smolt-sized fish will be released to minimize competition with native salmonids.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Minimize competition and possible interbreeding between non-indigenous summer steelhead and indigenous stocks of anadromous salmonids and resident trout;

(b) Provide a potential average annual harvest of 7,000 summer steelhead in the Clackamas subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-0850

Fall Chinook Salmon

(1) The following operating principle applies to the Clackamas subbasin: Consistent with achieving the desired status for fall Chinook salmon identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the Clackamas subbasin shall be managed for natural production of fall Chinook with an option for a conservation hatchery program if necessary.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Achieve the desired status for fall Chinook salmon in the Clackamas subbasin identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575);

(b) Determine the identity of the stock of fall Chinook salmon in the subbasin;

(c) Maintain the average annual harvest in the subbasin of approximately 200 fall chinook salmon.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-0860

Coho Salmon

(1) The following operating principles apply to the Clackamas subbasin:

(a) Consistent with achieving the desired status for coho salmon identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the lower subbasin below River Mill Dam shall be managed primarily for the production and harvest of hatchery coho;

(b) The upper subbasin above North Fork Dam shall be managed for natural production of wild coho salmon.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Monitor the status of the coho salmon run in the Clackamas subbasin;

(b) Maintain the genetic characteristics of the wild run;

(c) Achieve the desired status for coho salmon in the Clackamas subbasin identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575);

(d) Maintain a potential average annual harvest level of 1,000 and 1,500 hatchery coho salmon in the main stem of the Clackamas River below River Mill Dam and in Eagle Creek.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-1662

Operating Policy and Objectives

(1) The following policy applies to spring chinook in the Clackamas River Basin: Consistent with achieving the desired status for spring Chinook salmon identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the Clackamas Basin shall be managed for production of wild and hatchery spring chinook.

(2) In accordance with this policy, it is the objective of the Department to:

(a) Achieve full mitigation for Willamette River spring chinook populations reduced or extirpated due to dam construction and operations;

(b) Monitor the status of the spring Chinook run in the Clackamas basin;

(c) Maintain the gene resources of Clackamas spring chinook;

(d) Maintain hatchery fish genetic diversity, to assure that hatchery populations replicate ancestral population characteristics, meet the management objectives for which they are produced, and maintain their optimum biological and economic value;

(e) Achieve the desired status for spring Chinook salmon in the Clackamas basin identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575);

(f) Increase the average annual harvest to 5,000 spring Chinook salmon in the Clackamas River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-3420

Habitat

(1) Objectives for habitat management in the Sandy River basin.

(2) Promote habitat conditions that contribute to achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575). This includes, but is not limited to, the following actions:

(a) Maintain and improve upstream and downstream passage for fish in the Sandy River basin at dams, water diversions, existing fishways, culverts and, where needed, at in-channel debris jams.

(b) Protect, enhance, and restore fish habitat in the Sandy River basin.

(c) Inventory stream and watershed conditions using current methods to assess factors limiting fish production in the Sandy River basin.

(d) Reduce artificial introductions of sediment into the Sandy River and basin tributaries.

(e) Restore natural stream flows where possible, and protect existing stream flows and water quality from degradation associated with operation of dams, water diversions, effluents, mining, timber harvest, recreation, and other instream activities.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-3430

Winter Steelhead

Policy and objectives for wild and hatchery winter steelhead management in the Sandy River basin.

(1) Policy: Consistent with achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the Sandy River basin shall be managed for both wild and hatchery produced winter steelhead.

(2) Objectives:

(a) Achieve the desired status for winter steelhead in the Sandy River basin identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575). Establish an increasing trend in the population of Sandy River wild winter steelhead.

(b) Provide angling opportunities for winter steelhead in the Sandy River basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

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Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 21-2001, f. & cert. ef. 4-16-01; DFW 100-2003 f. & cert. ef. 9-25-03; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-3440

Summer Steelhead

Policy and objectives for hatchery summer steelhead management in the Sandy River basin.

(1) Policy: Consistent with achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the Sandy River basin shall be managed for hatchery summer steelhead: Hatchery summer steelhead smolts shall be released in the lower Sandy River basin, where suitable adult holding habitat is available throughout the summer and where adult returns will provide optimum recreational opportunity.

(2) Objectives:

(a) Release an annual 75,000 summer steelhead smolts into the lower Sandy River basin.

(b) Maximize native fish production in the Sandy basin by eliminating potential genetic and ecological impacts of introduced hatchery summer steelhead in the basin above Marmot Dam by sorting hatchery summer steelhead and preventing their passage into the upper basin.

(c) Determine if a native population of summer steelhead exists in the Sandy River basin.

(d) Provide a fishery on hatchery summer steelhead in the Sandy River below Marmot Dam until such time as the sorting facility is removed. When date certain has been determined for removal of Marmot Dam, the Department shall return the issue of continued releases of salmon steelhead into the Sandy Basin to the Commission for review and additional rule-making, if appropriate.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 100-2003 f. & cert. ef. 9-25-03; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-3450

Coho

Policy and objectives for wild and hatchery coho management in the Sandy River basin.

(1) Policy: Consistent with achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the Sandy River basin shall be managed for both wild and hatchery produced coho.

(2) Objectives:

(a) Achieve the desired status for coho salmon in the Sandy River basin identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575). Establish an increasing trend in the population of Sandy River wild coho salmon.

(b) Provide angling opportunities for coho salmon in the Sandy River basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 100-2003 f. & cert. ef. 9-25-03; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-3460

Spring Chinook

Policy and objectives for wild and hatchery spring chinook management in the Sandy River basin.

(1) Policy: Consistent with achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the Sandy River basin shall be managed for both wild and hatchery produced spring Chinook.

(2) Objectives:

(a) Achieve the desired status for spring Chinook salmon in the Sandy River basin identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575). Establish an increasing trend in the population of Sandy River wild spring chinook.

(b) Provide angling opportunities for spring chinook in the Sandy River basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 21-2001, f. & cert. ef. 4-16-01; DFW 100-2003 f. & cert. ef. 9-25-03; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-3470

Fall Chinook

Policy and objectives for wild fall chinook only management in the Sandy River basin.

(1) Policy: Consistent with achieving the desired status identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575), the Sandy River basin shall be managed for natural production of fall Chinook with an option for a conservation hatchery program if necessary.

(2) Objectives:

(a) Achieve the desired status for fall and late fall Chinook salmon in the Sandy River basin identified in the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (OAR 635-500-6575);

(b) Provide sport angling opportunities for fall chinook in the Sandy River basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 116-2010, f. & cert. ef. 8-10-10

635-500-6575

Implementing the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead

(1) Policy. The Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead (Oregon LCR Recovery Plan) (State of Oregon 2010, available at Department offices) implements the State's strategy for protecting and enhancing Oregon populations of coho salmon, Chinook salmon, chum salmon, and steelhead trout in the Lower Columbia, in cooperation with other federal and local partners, including Oregon Plan natural resource agencies and NOAA Fisheries. The Oregon LCR Plan is based on the premise that the Oregon Plan for Salmon and Watersheds provides the best vehicle for securing partnerships, both private and governmental, to successfully implement the actions called for in this plan. This rule describes the Commission's contribution toward this collective effort and directs the Department's implementation of the Oregon LCR Recovery Plan. This rule describes the Department's role in implementing the Oregon LCR Recovery Plan consistent with the Department's statutory authorities and the Native Fish Conservation Policy (OAR 635-007-0502 thru 635-007-0505). The rule is not intended to be a rigid recipe but rather to identify the range of opportunities the Department should pursue and how the effectiveness of those opportunities should be evaluated, following the template first established in the Native Fish Conservation Policy.

(2) Description of Species Management Unit and Populations. The Species Management Units (SMUs) for Oregon Lower Columbia salmon and steelhead are the Oregon portions of the Lower Columbia River Evolutionarily Significant Units (ESUs) for coho and Chinook, the Columbia River ESU for chum, and the Lower Columbia River and Southwest Washington Distinct Population Segments (DPSs) for steelhead that are comprised of geographical strata and independent populations, as defined in Chapter 2 of the Oregon LCR Plan. To avoid confusion and because the SMUs are the same as the federal ESUs, or DPSS, designations, the term ESU will be used to designate the SMUs for Oregon Lower Columbia salmon and steelhead.

(3) Desired Status. The desired status goal for Oregon populations of Lower Columbia salmon and steelhead is two-tiered such that:

(a) Delisting Goal. All ESUs covered by the Oregon LCR Recovery Plan can be removed from the federal Endangered Species Act threatened and endangered list. This shall be achieved through the following:

(A) All independent populations achieve the status called for under the Desired Status for Delisting identified in Chapter 6 of the plan; and

(B) Significant improvements are achieved in salmon and steelhead survival from actions implemented to reduce habitat, hydrosystem, harvest, hatcheries, and/or predation threats, as identified in Chapter 6 for each population; and

(b)(A) Broad Sense Goal. Eventual improvements in salmon and steelhead survival from management actions provide for all independent populations to be sufficiently abundant, productive, and diverse (in terms of life histories and geographic distribution) so that they provide significant ecological, social, cultural, and economic benefits. These broad sense recovery goals for the ESUs shall be achieved by the following:

(B) All Oregon independent Lower Columbia River salmon and steelhead populations pass all of the measurable criteria for highly viable status.

(c) The three measurable criteria for desired status of Oregon Lower Columbia salmon and steelhead independent populations are defined in Chapter 8 of the Oregon LCR Recovery Plan and include:

ADMINISTRATIVE RULES

- (A) Abundance and productivity;
- (B) Spatial structure; and
- (C) Diversity.

(d) While criteria for survival rate to each critical life history stage can not yet be developed with the available information and monitoring, staff shall establish such criteria for these biological attributes when adequate information and monitoring is available.

(4) **Current Status.** The current status of each Oregon Lower Columbia salmon and steelhead ESU at the time of the adoption of this rule is described in Chapter 4 of the Oregon LCR Recovery Plan. This assessment describes the biological attributes, criteria and metrics used to assess the status of each ESU. Those biological attributes, criteria, and metrics are adopted by reference into this rule. The Department shall update current status periodically consistent with timelines described under Adaptive Management in Chapter 9 of the Oregon LCR Recovery Plan. These updates do not require rule modification of current status, but rather will serve as a measurement of progress toward desired status.

- (5) **Primary Limiting Factors.**

(a) Numerous factors contribute to the gap between current and desired status of populations comprising the Oregon Lower Columbia Salmon and Steelhead ESUs. Marine survival of salmon and steelhead associated with ocean conditions is the largest single factor regulating salmon and steelhead productivity and abundance. Marine survival is not considered a primary limiting factor for salmon and steelhead because management has little influence on marine survival.

(b) The factors generally causing the gap between current and desired status for the Oregon Lower Columbia Salmon and Steelhead ESUs that can be managed are:

- (A) Impaired fish passage;
- (B) Stream habitat complexity including riparian condition;
- (C) Water quality;
- (D) Water quantity;
- (E) Altered hydrology;
- (F) Excessive sediment;
- (G) Harvest;
- (H) Hatchery fish interactions; and
- (I) Predation.

(c) Primary and secondary limiting factors are identified for each population within the Oregon portion of each ESU in Chapter 5 of the Oregon LCR Recovery Plan. Staff will continue to help revise and identify new management actions addressing these factors to aid in reaching desired status. Staff may analyze the limiting factors at a finer, more localized scale when selecting or prioritizing management actions for specific areas. These analyses may find primary and secondary factors different at a local scale than what was found at the ESU or population scale.

(6) **Management Strategies.** Management strategies to address limiting factors for each population are identified in Chapter 7 of the Oregon LCR Recovery Plan. Staff shall consider and attempt to implement these management strategies designed for the ESUs as a whole, and for constituent populations as applicable, as mechanisms to reach the desired status.

- (a) *Short-term Strategies (1 to 5 years):*

(A) Provide technical support to local watershed groups to inform them of the primary and secondary limiting factors at local scales within populations.

(B) Educate and inform watershed groups and co-managers of the highest priority tributary management actions. Facilitate implementation of the highest priority tributary habitat actions.

(C) Provide support to oversee the tracking and reporting of plan action implementation and development of implementation schedules as called for in Chapter 9 of the Oregon LCR Recovery Plan.

(D) Work cooperatively with co-managers and harvest groups to determine the feasibility of implementing selective, weak stock, and abundance-based harvest management for Chinook and coho.

(E) Implement actions to reduce the abundance of naturally spawning hatchery fish in those populations where reductions are called for in Chapter 6 of the Oregon LCR Recovery Plan to achieve desired status.

(F) Conduct analyses to determine the effect of climate change on individual populations to help prioritize action implementation.

- (b) *Additional Long-term Strategies (1 to 25 years):*

(A) Implement the research, monitoring and evaluation identified in Chapter 8 of the Oregon LCR Recovery Plan within funding and staffing constraints.

(B) Facilitate the implementation of the adaptive management strategy and framework identified in Chapter 9 of the Oregon LCR Recovery Plan.

(C) Collect monitoring data, conduct analyses, and complete or support reports and assessments documenting progress toward the desired status goals for the Oregon Lower Columbia River ESUs.

(D) Provide technical support to, and coordinate with, federal, state and local agencies and groups to protect existing high quality salmon and steelhead habitat.

(E) Provide technical support to, and coordinate with, federal, state and local agencies and groups to create additional high quality salmon and steelhead habitat.

(F) Provide technical and outreach support to willing landowners that will enhance the maintenance and/or creation of high quality salmon and steelhead habitat.

(7) **Adaptive Management.** The Department shall employ adaptive management principles within its statutory authority in support of achieving the desired status goal for the ESUs by participating in the adaptive management and implementation processes defined in Chapter 9 of the Oregon LCR Recovery Plan. The Department's contribution to adaptive management of the ESUs by the state of Oregon will include five elements: research; monitoring; evaluation; a feedback loop; and reporting.

(a) *Research.* The Department shall support high priority research identified in the Plan that addresses uncertainties related to management strategies and actions needed to achieve desired status. Research needs at the time of adoption (but which are not intended to be the exclusive research projects to be pursued) are identified in the Oregon LCR Recovery Plan in Chapter 8. Future research needs shall be identified during periodic assessments of the effectiveness of the Oregon LCR Recovery Plan.

(b) *Monitoring.* The Department shall continue to identify, implement, and support monitoring needed to assess the status of each ESU and the salmon and steelhead populations relative to desired status criteria and evaluate habitat status trends in the Oregon Lower Columbia ESUs, as funding and staffing allow. Monitoring needs at the time of adoption are identified in the Oregon LCR Recovery Plan in Chapter 8. Future monitoring needs shall be identified during periodic assessments of the effectiveness of the Oregon LCR Recovery Plan.

(c) *Evaluation.* The Department shall identify and support evaluation needed to determine status assessment and the effectiveness of management strategies and actions in achieving their intended outcomes. Evaluation needs at the time of adoption are identified in the Oregon LCR Recovery Plan in Chapter 8. Future evaluation needs shall be identified during periodic assessments of the effectiveness of the Oregon LCR Recovery Plan.

(d) *Feedback Loop.* The Department shall review the results of reports and assessments identified in 635-500-6575(7)(e) and modify management strategies and actions as appropriate and within its statutory authority based on the review results. The Department shall implement the Adaptive Management processes identified in the Oregon LCR Recovery Plan and recommend to the Oregon Lower Columbia Recovery and Oregon Plan Core Teams and other agencies or entities, as necessary, appropriate modifications to management strategies and actions needed to support attainment of the desired status goals for each ESU. This feedback shall include refinement of management actions, research, monitoring and evaluation programs and desired status criteria based on the best available scientific information.

(e) *Reporting.* Annual and periodic evaluations of Plan implementation and ESU status shall be made available to the public. The Department shall participate in the preparation of annual and 5 year (2015) status reports, the 12 year (2022) ESU assessment of the effectiveness of the Oregon LCR Recovery Plan, and additional assessments as necessitated by new information or significant population declines.

(f) Modifications to the Oregon LCR Recovery Plan are required if the fish become listed as endangered under the federal ESA or by the direction of the Oregon Lower Columbia Recovery Team in periodic Oregon LCR Recovery Plan status reports. These reports by the Recovery Team will serve as an early warning system that will direct additional monitoring, evaluation, or management actions, if needed, based on annual review of monitoring data.

(8) **Impact on Other Native Fish Species.** Management strategies identified in the Oregon LCR Recovery Plan are likely to be beneficial to other native fish species present in the ESUs because they focus on restoring natural processes. New or modified actions shall consider impacts to other native species, as appropriate, to minimize harm and optimize benefits.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 116-2010, f. & cert. ef. 8-10-10

ADMINISTRATIVE RULES

Rule Caption: Amendments regarding harvest of game birds, season dates, open areas, and bag limits.

Adm. Order No.: DFW 117-2010

Filed with Sec. of State: 8-13-2010

Certified to be Effective: 8-13-10

Notice Publication Date: 7-1-2010

Rules Amended: 635-008-0055, 635-008-0070, 635-008-0085, 635-008-0155, 635-045-0000, 635-051-0000, 635-051-0001, 635-052-0000, 635-053-0000, 635-053-0015, 635-053-0025, 635-054-0000, 635-060-0000, 635-060-0055

Subject: Amended rules regarding the harvest of game birds including 2010–2011 season dates, open areas, regulations and bag limits.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-008-0055

Bridge Creek Wildlife Area

The Bridge Creek Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2009 Bridge Creek Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) The area is closed to entry during the period December 1 through April 14, except by permit.

(2) Motor vehicles are prohibited except on parking areas, open roads, and up to 300 feet off open roads for the purpose of moving to and from campsites.

(3) Camping is prohibited except during the period May 1 through November 30, and may not exceed 14 days per stay.

(4) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(1); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 40-2009, f. & cert. ef. 4-27-09; DFW 117-2010, f. & cert. ef. 8-13-10

635-008-0070

Coyote Springs Wildlife Area

The Coyote Springs Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2008 Columbia Basin Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) All dogs must be on a leash except during authorized game bird hunting seasons, or by permit.

(2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.

(3) Open fires between April 1 and November 30 are prohibited.

(4) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.

(5) Discharging firearms other than shotguns is prohibited except as authorized by a permit issued by the Department.

(6) Possession or use of shot other than federally-approved nontoxic shot is prohibited, except for deer hunters using slugs or buckshot.

(7) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.

(8) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.

(9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

(10) Closed to all big game hunting

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(3); FWC 53-1994, f. & cert. ef. 8-25-95; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 137-2008, f. & cert. ef. 10-27-08; DFW 117-2010, f. & cert. ef. 8-13-10

635-008-0085

Elkhorn Wildlife Area

The Elkhorn Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2006 Elkhorn Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) The area is closed to entry during the period December 1 through March 31, except by permit.

(2) Camping is prohibited except during the period April 11 through November 30, and may not exceed a total of 14 days during a 30-day period.

(3) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

(4) Dogs are prohibited from running at large.

(5) ATV and Snowmobile use is prohibited on all area lands except for administrative use or by permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(5); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 118-2006, f. & cert. ef. 10-16-06; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 117-2010, f. & cert. ef. 8-13-10

635-008-0155

Summer Lake Wildlife Area

The Summer Lake Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2007 Summer Lake Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Posted Refuges are closed to all entry during authorized game bird and game mammal hunting seasons, except to retrieve lawfully taken wildlife, or by permit.

(2) Entering any portion of the Wildlife Area south of Thousand Springs Lane (Lake County Road 4-17), except the Foster Place unit and open roads and campgrounds, between October 1 through 4:00 AM on October 9, 2010 is prohibited.

(3) Discharging firearms is prohibited except as authorized during game bird and game mammal hunting seasons, or by permit.

(4) Motor vehicles and other motor driven modes of transportation are prohibited except on parking areas and open roads, or by permit.

(5) Camping or leaving vehicles unattended is prohibited except on areas designated for that use, and may not exceed 14 days per stay, except by permit.

(6) Running or training of dogs is prohibited except by permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(17); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 118-2007, f. 10-31-07, cert. ef. 1-1-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117-2010, f. & cert. ef. 8-13-10

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled “2010-2011 Oregon Game Bird Regulations”, and “2011 Oregon Big Game Regulations”, are incorporated by reference into these rules. These documents are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. 12-7-06, cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. 10-31-07, c. cert. ef. 1-1-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. 12-18-08, cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. 11-3-09, cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10

635-051-0000

Purpose

(1) The purpose of these rules is to establish dates, areas and other restrictions for hunting game birds pursuant to ORS Chapter 496.

(2) The document entitled “2010-2011 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 8-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-

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98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2003(Temp), f. & cert. ef. 8-26-03 thru 2-20-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117-2010, f. & cert. ef. 8-13-10

635-051-0001

Times, Places, Bag Limits, Species, Sex, Manner of Taking

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 46-1983, f. & cert. ef. 9-19-83; FWC 44-1993, f. & cert. ef. 8-4-93; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 57-1999(Temp), f. & cert. ef. 8-13-99, cert. ef. 8-16-99 thru 2-11-00; Administrative correction 6-20-01; DFW 117-2010, f. & cert. ef. 8-13-10

635-052-0000

Purpose

(1) The purpose of these rules is to establish season dates, areas and bag limits for migratory upland game birds pursuant to ORS Chapter 496.

(2) The document entitled “**2010-2011 Oregon Game Bird Regulations**,” is incorporated by reference into these rules.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 61-1988, f. & cert. ef. 7-28-88; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117-2010, f. & cert. ef. 8-13-10

635-053-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting upland game birds pursuant to ORS Chapter 496.

(2) The document entitled “**2010-2011 Oregon Game Bird Regulations**,” is incorporated by reference into these rules.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 81-1988, f. & cert. ef. 9-2-88; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 2-2004(Temp), f. & cert. ef. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117-2010, f. & cert. ef. 8-13-10

635-053-0015

California Quail

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 32-1981, f. & cert. ef. 8-28-81; FWC 59-1982, f. & cert. ef. 8-30-82; FWC 46-1983, f. & cert. ef. 9-19-83; FWC 51-1984, f. & cert. ef. 9-5-84; FWC 64-1985, f. & cert. ef. 10-2-85; FWC 74-1985(Temp), f. & cert. ef. 12-4-85; FWC 58-1986, f. & cert. ef. 9-17-86; FWC 83-1987, f. & cert. ef. 9-22-87; FWC 81-1988, f. & cert. ef. 9-2-88; FWC 106-1989, f. & cert. ef. 9-29-89; FWC 93-1990, f. & cert. ef. 9-4-90; FWC 99-1991, f. & cert. ef. 9-9-91; FWC 81-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 2-2004(Temp), f. & cert. ef. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 117-2010, f. & cert. ef. 8-13-10

635-053-0025

Chukar and Hungarian Partridge

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 32-1981, f. & cert. ef. 8-28-81; FWC 59-1982, f. & cert. ef. 8-30-82; FWC 46-1983, f. & cert. ef. 9-19-83; FWC 51-1984, f. & cert. ef. 9-5-84; FWC 64-1985, f. & cert. ef. 10-2-85; FWC 74-1985(Temp), f. & cert. ef. 12-4-85; FWC 58-1986, f. & cert. ef. 9-17-86; FWC 83-1987, f. & cert. ef. 9-22-87; FWC 81-1988, f. & cert. ef. 9-2-88; FWC 106-1989, f. & cert. ef. 9-29-89; FWC 93-1990, f. & cert. ef. 9-4-90; FWC 99-1991, f. & cert. ef. 9-9-91; FWC 81-1992, f. & cert. ef. 8-26-92; FWC 2-1993(Temp), f. & cert. ef. 1-15-93, cert. ef. 1-16-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 2-2004(Temp), f. & cert. ef. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 117-2010, f. & cert. ef. 8-13-10

635-054-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting ducks, geese, coots, common nipe and crow pursuant to ORS Chapter 496.

(2) The document entitled “**2010-2011 Oregon Game Bird Regulations**,” is incorporated by reference into these rules.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 82-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 95-1998(Temp), f. & cert. ef. 12-1-98 thru 12-18-98; DFW 98-1998(Temp), f. & cert. ef. 12-18-98 thru 2-28-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 99-2001(Temp), f. & cert. ef. 10-12-01 thru 4-10-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 87-2004(Temp), f. & cert. ef. 8-18-04 thru 9-16-04; Administrative correction 10-25-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 117-2010, f. & cert. ef. 8-13-10

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS 496.162.

(2) The documents entitled “**2010-2011 Oregon Game Bird Regulations**,” and “**2011 Oregon Big Game Regulations**,” are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 118, f. & cert. ef. 6-3-77; FWC 25-1978, f. & cert. ef. 5-26-78; FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. & cert. ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 21-1982, f. & cert. ef. 3-31-82; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 16-1985, f. & cert. ef. 4-11-85; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 40-1987, f. & cert. ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. & cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 122-2004, f. & cert. ef. 1-1-05; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. & cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 127-2006, f. & cert. ef. 1-1-07; DFW 68-2007, f. & cert. ef. 8-14-07; DFW 118-2007, f. & cert. ef. 10-31-07, cert. ef. 1-1-08; DFW 60-2008, f. & cert. ef. 6-12-08; DFW 90-2008, f. & cert. ef. 8-13-08; DFW 150-2008, f. & cert. ef. 1-1-09; DFW 93-2009, f. & cert. ef. 8-12-09; DFW 140-2009, f. & cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10

635-060-0055

Documents Required in Field

(1) A person hunting in any controlled game mammal hunt shall have on his or her person a valid hunting license, Hunter Education Certificate or a Department document which includes their Hunter Education Certificate Number (for persons less than 18 years old), and a controlled hunt tag (if applicable) for the area and season being hunted. The hunting license number shall be the same as that indicated on the controlled hunt tag.

Exception: Controlled hunts continuing or occurring after December 31, 2010 will have a 2011 hunting license number on the controlled hunt tag.

(2) A tag or permit holder for a hunt after December 31, 2010 shall have on his or her person a valid 2011 hunting license.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. & cert. ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 14-1992, f. & cert. ef. 1-14-92, cert. ef. 3-13-92 (and corrected 3-13-92); FWC 36-1993, f. & cert. ef. 6-14-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 1-24-01, cert. ef. 1-1-02; DFW 4-2003, f. & cert. ef. 1-17-03, cert. ef. 4-1-03; DFW 119-2003, f. & cert. ef. 1-24-03, cert. ef. 4-1-04; DFW 131-2004, f. & cert. ef. 1-21-04, cert. ef. 4-1-05; DFW 132-2005, f. & cert. ef. 4-1-06; DFW 126-2006, f. & cert. ef. 1-2-06, cert. ef. 4-1-07; DFW 118-2007, f. & cert. ef. 10-31-07, cert. ef. 1-1-08; DFW 150-2008, f. & cert. ef. 1-1-09; DFW 140-2009, f. & cert. ef. 1-1-10; DFW 117-2010, f. & cert. ef. 8-13-10

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Rule Caption: Ocean Sport Pacific Halibut All-Depth Closure from Cape Falcon to Humbug Mountain, Oregon.

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Adm. Order No.: DFW 118-2010(Temp)
Filed with Sec. of State: 8-13-2010
Certified to be Effective: 8-13-10 thru 10-31-10
Notice Publication Date:
Rules Amended: 635-039-0085
Rules Suspended: 635-039-0085(T)

Subject: Amended rule closes the all-depth sport fishery for Pacific halibut in the area between Cape Falcon and Humbug Mountain, Oregon at 11:59 p.m. on Friday, August 13, 2010 when the all-depth quota of 141,265 pounds is projected to have been taken. This rule is consistent with regulations that have been implemented by the federal government and the International Pacific Halibut Commission for the 2010 Oregon recreational fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR Chapter 635, Division 039 incorporates into Oregon Administrative Rules, by reference, modifications or additions to provisions determined by the IPHC and to the extent they are consistent with **Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996) Vol. 74**, No. 52, dated March 19, 2009 and Vol. 24, No. 78 (corrections), dated April 24, 2009 and as amended by Federal Regulations. Therefore, persons must consult the **Federal Regulations** in addition to Division 039 rules to determine applicable halibut fishing seasons.

(2) Effective 11:59 p.m., Saturday, July 17, 2010 the Central Oregon (Cape Falcon to Humbug Mountain, OR) nearshore season is closed to the retention of Pacific halibut.

(3) Effective 11:59 p.m., Friday, August 13, 2010 the Central Oregon (Cape Falcon to Humbug Mountain, OR) all-depth summer season is closed to the retention of Pacific halibut.

[Publications: Publications referenced are available from the agency.]

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

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08; DFW 120-2008(Temp), f. 9-25-08, cert. ef. 9-27-08 thru 12-31-08; DFW 156-2008, f. 12-31-08, cert. ef. 1-1-09; DFW 39-2009, f. & cert. ef. 4-27-09; DFW 55-2009(Temp), f. & cert. ef. 5-22-09 thru 8-6-09; DFW 94-2009(Temp), f. 8-14-09, cert. ef. 8-16-09 thru 12-31-09; Administrative correction 1-25-10; DFW 32-2010, f. & cert. ef. 3-15-10; DFW 37-2010, f. 3-30-10, cert. ef. 4-1-10; DFW 100-2010(Temp), f. 7-15-10, cert. ef. 7-17-10 thru 10-31-10; DFW 118-2010(Temp), f. & cert. ef. 8-13-10 thru 10-31-10

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Department of Human Services, Addictions and Mental Health Division: Mental Health Services Chapter 309

Rule Caption: Rules to establish the Self-Determination Policy and Consumer Advisory Council required by SB 364 (2007 Session).

Adm. Order No.: MHS 10-2010

Filed with Sec. of State: 7-22-2010

Certified to be Effective: 7-22-10

Notice Publication Date: 6-1-2010

Rules Adopted: 309-011-0120, 309-011-0125, 309-011-0130, 309-011-0135, 309-011-0140

Subject: The Addictions & Mental Health (AMH) Division is adopting these new rules in order to prescribe standards to be implemented in order to establish the Self-Determination Policy and Consumer Advisory Council as required by ORS 430.071 through 730.075.

Rules Coordinator: Richard Luthe—(503) 947-1186

309-011-0120

Purpose

These rules prescribe standards to be implemented by the Addictions and Mental Health (AMH) Division in order to establish the Self-Determination Policy and Consumer Advisory Council as used in ORS 430.071 through 430.075.

Stat. Auth.: ORS 409.050 & 430.078

Stats. Implemented: 430.078

Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

309-011-0125

Definitions

As used in these rules:

(1) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(2) "Consumer" means a person who has received or is receiving mental health or addiction services.

(3) "Consumer Advisory Council" means the council appointed by the Assistant Director to advise the Division on the provision of mental health services.

(4) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services.

(5) "Olmstead v. L.C." means the 1999 Supreme Court decision under which states are required to place persons with disabilities in community settings rather than in institutions when the State's treatment professionals have determined that community placement is appropriate, the transfer from institutional care to a less restrictive setting is not opposed by the affected individual and the placement can be reasonably accommodated, taking into account the resources of the State and needs of others with disabilities.

(6) As used in ORS 430.075, these terms have the following meanings:

(a) "Task force" means a group or committee, usually composed of experts or specialists, formed for analyzing, investigating, or solving a specific problem or objective;

(b) "Commission" means a group of individuals that meet on a regular basis, and that are officially authorized to perform certain duties or functions;

(c) "Advisory group" means a collection of individuals who bring unique knowledge and skills, and who are appointed to support a particular service or function, or to investigate, report on, or act upon a particular matter; and

(d) "Committee" means a body of persons that are officially delegated or assigned to consider, investigate, act on, or report on a particular service or function.

Stat. Auth.: ORS 409.050 & 430.078

Stats. Implemented: 430.078

309-011-0130

Addictions and Mental Health Division Self-Determination Policy

(1) The Addictions and Mental Health (AMH) Division shall adopt a policy that supports and promotes self-determination for persons receiving mental health services. The policy shall be designed to remove barriers that:

(a) Segregate persons with disabilities from full participation in the community in the most integrated setting in accordance with the United States Supreme Court decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999); and

(b) Prevent persons with disabilities from enjoying a meaningful life, the benefits of community involvement and citizen rights guaranteed by law.

Stat. Auth.: ORS 409.050 & 430.078

Stats. Implemented: 430.078

Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

309-011-0135

Consumer Advisory Council

(1) The Division shall establish a Consumer Advisory Council to advise the Division on the provision of mental health services. The Council may also review, evaluate and provide feedback on site reviews related to mental health services provided by the Division.

(2) The Assistant Director shall appoint 15 to 25 consumers to the Council. In making appointments, the Assistant Director shall strive to balance the representation according to geographic areas of the state and age.

(3) The Division shall provide administrative support to the council.

(4) Members of the Consumer Advisory Council are not entitled to compensation or reimbursement of expenses under ORS 430.073.

Stat. Auth.: ORS 409.050 & 430.078

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Stats. Implemented: 430.078
Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

309-011-0140

Membership on Task Forces, Commissions, Advisory Groups and Committees

(1) As defined in ORS 174.109, at least 20 percent of the membership of all task forces, commissions, advisory groups and committees established by Division shall be consumers, with representation balanced by age.

(2) This rule applies only to task forces, commissions, advisory groups and committees that:

(a) Primarily relate to persons with mental health or addiction issues; and

(b) Are subject to ORS 192.630.

(3) Membership is subject to the limitations outlined in ORS 430.073.

Stat. Auth.: ORS 409.050 & 430.078

Stats. Implemented: 430.078

Hist.: MHS 10-2010, f. & cert. ef. 7-22-10

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

Rule Caption: Definition Correction in Abuse Reporting and Protective Services in Community Programs and Facilities Rules.

Adm. Order No.: DHSD 7-2010(Temp)

Filed with Sec. of State: 8-5-2010

Certified to be Effective: 8-5-10 thru 1-31-11

Notice Publication Date:

Rules Amended: 407-045-0260

Subject: The Department of Human Services is amending these rules to correct a scrivener's error in the definition of "Neglect" found at 407-045-0260(1)(e)(A). The current rule states, "Neglect includes, active or passive failure to provide the care, supervision, or services necessary to maintain the physical and mental health of an adult that creates a risk of significant harm or results in harm to the adult." The correct language and legal standard is "...significant risk of harm."

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

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

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-045-0260

Definitions

As used in OAR 407-045-0250 to 407-045-0370, the following definitions apply:

(1) "Abuse of an adult with developmental disabilities" means:

(a) "Abandonment" including desertion or willful forsaking by a person who has assumed responsibility for providing care, when that desertion or forsaking results in harm or places the adult at risk of serious harm.

(b) Death of an adult caused by other than accidental or natural means or occurring in unusual circumstances.

(c) "Financial exploitation" including:

(A) Wrongfully taking the assets, funds, or property belonging to or intended for the use of an adult.

(B) Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out.

(C) Misappropriating, misusing, or transferring without authorization any money from any account held jointly or singly by an adult.

(D) Failing to use the income or assets of an adult effectively for the support and maintenance of the adult. "Effectively" means use of income or assets for the benefit of the adult.

(d) "Involuntary seclusion" means the involuntary seclusion of an adult for the convenience of a caregiver or to discipline the adult. Involuntary seclusion may include placing restrictions on an adult's freedom of movement by restriction to his or her room or a specific area, or restriction from access to ordinarily accessible areas of the facility, residence, or program, unless agreed to by the Individual Support Plan (ISP) team included in an approved Behavior Support Plan (BSP) or included in a brokerage plan's specialized support. Restriction may be permitted on an emergency or short term basis when an adult's presence would pose a risk to health or safety.

(e) "Neglect" including:

(A) Active or passive failure to provide the care, supervision, or services necessary to maintain the physical and mental health of an adult that creates a significant risk of harm or results in actual harm to an adult. Services include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of the adult

(B) Failure of a caregiver to make a reasonable effort to protect an adult from abuse.

(f) "Physical abuse" means:

(A) Any physical injury by other than accidental means or that appears to be at variance with the explanation given for the injury.

(B) Willful infliction of physical pain or injury.

(C) Physical abuse is presumed to cause physical injury, including pain, to adults otherwise incapable of expressing pain.

(g) "Sexual abuse" including:

(A) Sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315.

(B) Sexual harassment, sexual exploitation, or inappropriate exposure to sexually explicit material or language including requests for sexual favors. Sexual harassment or exploitation includes but is not limited to any sexual contact or failure to discourage sexual contact between an employee of a community facility or community program, provider, or other caregiver and an adult. For situations other than those involving an employee, provider, or other caregiver and an adult, sexual harassment or exploitation means unwelcome physical sexual contact and other physical conduct directed toward an adult.

(C) Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver. Sexual abuse does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse or partner of the adult.

(D) Any sexual contact that is achieved through force, trickery, threat, or coercion.

(E) Any sexual contact between an adult with a developmental disability and a relative of the person with a developmental disability other than a spouse or partner. "Relative" means a parent, grandparent, children, brother, sister, uncle, aunt, niece, nephew, half brother, half sister, stepparent, or stepchild.

(F) As defined in ORS 163.305, "sexual contact" means any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

(h) "Wrongful restraint" means:

(A) A wrongful use of a physical or chemical restraint, excluding an act of restraint prescribed by a licensed physician, by any adult support team approved plan, or in connection with a court order.

(B) "Wrongful restraint" does not include physical emergency restraint to prevent immediate injury to an adult who is in danger of physically harming himself or herself or others, provided only that the degree of force reasonably necessary for protection is used for the least amount of time necessary.

(i) "Verbal abuse" includes threatening significant physical harm or causing emotional harm to an adult through the use of:

(A) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule.

(B) Harassment, coercion, punishment, deprivation, threats, implied threats, intimidation, humiliation, mental cruelty, or inappropriate sexual comments.

(C) A threat to withhold services or supports, including an implied or direct threat of termination of services. "Services" include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of an adult.

(D) For purposes of this section, verbal conduct includes but is not limited to the use of oral, written, or gestured communication that is directed to an adult or within their hearing distance, or sight if gestured, regardless of their ability to comprehend. In this circumstance the assessment of the conduct is based on a reasonable person standard.

(E) The emotional harm that can result from verbal abuse may include but is not limited to anguish, distress, or fear.

(j) An adult who in good faith is voluntarily under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner shall for this reason alone not be considered subjected to abuse.

(2) "Abuse of an adult with mental illness" means:

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(a) Death of an adult caused by other than accidental or natural means or occurring in unusual circumstances.

(b) "Neglect" including:

(A) Active or passive failure to provide the care, supervision, or services necessary to maintain the physical and mental health of an adult that results in actual harm or significant mental injury to an adult. "Services" include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of the adult.

(B) Failure of a caregiver to make a reasonable effort to protect an adult from abuse.

(c) "Physical abuse" means:

(A) Any physical injury by other than accidental means or that appears to be at variance with the explanation given for the injury.

(B) Willful infliction of physical pain or injury.

(C) Physical abuse is presumed to cause physical injury, including pain, to adults otherwise incapable of expressing pain.

(d) "Sexual abuse" including:

(A) Sexual contact with a nonconsenting adult or with an adult considered incapable of consenting to a sexual act under ORS 163.315.

(B) Sexual harassment, sexual exploitation, or inappropriate exposure to sexually explicit material or language including requests for sexual favors. Sexual harassment or exploitation includes but is not limited to any sexual contact or failure to discourage sexual contact between an employee of a community facility or community program, provider, or other caregiver and an adult. For situations other than those involving an employee, provider, or other caregiver and an adult, sexual harassment or exploitation means unwelcome physical sexual contact including requests for sexual favors and other physical conduct directed toward an adult.

(C) Any sexual contact between an employee of a facility or paid caregiver and an adult served by the facility or caregiver. Sexual abuse does not mean consensual sexual contact between an adult and a paid caregiver who is the spouse or partner of the adult.

(D) Any sexual contact that is achieved through force, trickery, threat, or coercion.

(E) As defined in ORS 163.305, "sexual contact" means any touching of sexual or other intimate parts of a person or causing such person to touch sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

(e) For the purpose of section (2) of this rule, the following definitions apply:

(A) "Employee" means an individual who provides a program service or who takes part in a program service and who receives wages, a salary, or is otherwise paid by the program for providing the service.

(B) "Program staff" means an employee or individual who, by contract with the program, provides a service and who has the applicable competencies, qualifications, and certification, required by the Integrated Services and Supports Rule (ISSR) (OAR 309-032-1500 to 309-032-1565) to provide the service.

(C) "Provider" means a qualified individual or an organizational entity operated by or contractually affiliated with a community mental health program, or contracted directly with the Department of Human Services' (Department) Addictions and Mental Health Division (AMH) for the direct delivery of mental health services and supports.

(D) "Volunteer" means an individual who provides a program service or who takes part in a program service and who is not an employee of the program and is not paid for services. The services must be non-clinical unless the individual has the required credentials to provide a clinical service.

(E) In addition to the definitions of abuse in section (2)(a) through (d), abuse also has the following meanings for employees, program staff, providers, and volunteers:

(i) "Abandonment" including desertion or willful forsaking by an individual who has assumed responsibility for providing care when the desertion or forsaking results in harm or places the adult at a risk of serious harm.

(ii) "Financial exploitation" including:

(I) Wrongfully taking the assets, funds, or property belonging to or intended for the use of an adult.

(II) Alarming an adult by conveying a threat to wrongfully take or appropriate money or property of the adult if the adult would reasonably believe that the threat conveyed would be carried out.

(III) Misappropriating, misusing, or transferring without authorization any money from any account held jointly or singly by an adult.

(IV) Failing to use the income or assets of an adult effectively for the support and maintenance of the adult. "Effectively" means use of income or assets for the benefit of the adult.

(iii) "Involuntary Seclusion" means the involuntary seclusion of an adult for the convenience of a caregiver or to discipline the adult. Involuntary seclusion may include placing restrictions on an adult's freedom of movement by restriction to his or her room or a specific area or restriction from access to ordinarily accessible areas of the facility, residence, or program unless agreed to by the treatment plan. Restriction may be permitted on an emergency or short term basis when an adult's presence would pose a risk to health or safety.

(iv) "Neglect" including active or passive failure to provide the care, supervision, or services necessary to maintain the physical and mental health of an adult that creates a significant risk of harm to an adult or results in actual harm or significant mental injury to an adult. Services include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of the adult.

(v) "Verbal abuse" includes threatening significant physical harm or causing emotional harm to an adult through the use of:

(I) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule.

(II) Harassment, coercion, punishment, deprivation, threats, implied threats, intimidation, humiliation, mental cruelty, or inappropriate sexual comments.

(III) A threat to withhold services or supports, including an implied or direct threat of termination of services. "Services" include but are not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of an adult.

(IV) For purposes of this section, verbal conduct includes but is not limited to the use of oral, written, or gestured communication that is directed to an adult or within their hearing distance or sight, regardless of their ability to comprehend. In this circumstance the assessment of the conduct is based on a reasonable person standard.

(V) The emotional harm that can result from verbal abuse may include but is not limited to anguish, distress, or fear.

(vi) "Wrongful restraint" means:

(I) A wrongful use of a physical or chemical restraint excluding an act of restraint prescribed by a licensed physician pursuant to OAR 309-033-0730.

(II) Abuse does not include physical emergency restraint to prevent immediate injury to an adult who is in danger of physically harming himself or herself or others, provided that only the degree of force reasonably necessary for protection is used for the least amount of time necessary.

(F) An adult who in good faith is voluntarily under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner shall for this reason alone not be considered subjected to abuse.

(3) "Abuse Investigation and Protective Services Report" means a completed report.

(4) "Adult" means an adult who is 18 years of age or older who:

(a) Has a developmental disability and is currently receiving services from a community program or facility or was previously determined eligible for services as an adult by a community program or facility; or

(b) Has a mental illness and is receiving services from a community program or facility.

(c) Receives services from a community program or facility or care provider which is licensed or certified by or contracts with the Department; and

(d) Is the alleged abuse victim.

(5) "Adult protective services" means the necessary actions taken to prevent abuse or exploitation of an adult, to prevent self-destructive acts, and to safeguard an allegedly abused adult's person, property, or funds.

(6) "Brokerage" or "Support service brokerage" means an entity, or distinct operating unit within an existing entity, that performs the functions listed in OAR 411-340-0120(1)(a) to (g) associated with planning for and implementation of support services for an adult with developmental disabilities.

(7) "Caregiver" means an individual or facility that has assumed responsibility for all or a portion of the care of an adult as a result of a contract or agreement.

(8) "Community facility" means a community residential treatment home or facility, community residential facility, adult foster home, commu-

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nity residential training home or facility, or a facility approved by AMH for acute care services or crisis respite.

(9) "Community program" means the community mental health or developmental disabilities program as established in ORS 430.610 to 430.695.

(10) "Designee" means the community program.

(11) "Department" means the Department of Human Services.

(12) "Inconclusive" means there is insufficient evidence to conclude the alleged abuse occurred or did not occur by a preponderance of the evidence. The inconclusive determination may be used only in the following circumstances:

(a) After diligent efforts have been made, the protective services investigator is unable to locate the person alleged to have committed the abuse, or cannot locate the alleged victim or another individual who might have information critical to the investigation; or

(b) Relevant records or documents are unavailable, or there is conflicting or inconsistent information from witnesses, documents, or records with the result that after the investigation is complete, there is insufficient evidence to support a substantiated or not substantiated conclusion.

(13) "Law enforcement agency" means any city or municipal police department, county sheriff's office, the Oregon State Police, or any district attorney.

(14) "Mandatory reporter" means any public or private official who, while acting in an official capacity, comes in contact with and has reasonable cause to believe that an adult has suffered abuse, or that any individual with whom the official comes in contact while acting in an official capacity has abused an adult. Pursuant to ORS 430.765(2), psychiatrists, psychologists, clergy, and attorneys are not mandatory reporters with regard to information received through communications that are privileged under ORS 40.225 to 20.295.

(15) "Not substantiated" means the preponderance of evidence establishes the alleged abuse did not occur.

(16) "OIT" means the Department's Office of Investigations and Training.

(17) "Provider agency" means an entity licensed or certified to provide services, or which is responsible for the management of services to clients.

(18) "Public or private official" means:

(a) Physician, naturopathic physician, osteopathic physician, psychologist, chiropractor, or podiatrist, including any intern or resident;

(b) Licensed practical nurse, registered nurse, nurse's aide, home health aide, or employee of an in-home health services organization;

(c) Employee of the Department, county health department, community mental health or developmental disabilities program, or private agency contracting with a public body to provide any community mental health services;

(d) Peace officer;

(e) Member of the clergy;

(f) Licensed clinical social worker;

(g) Physical, speech, or occupational therapist;

(h) Information and referral, outreach, or crisis worker;

(i) Attorney;

(j) Firefighter or emergency medical technician; or

(k) Any public official who comes in contact with adults in the performance of the official's duties.

(19) "Substantiated" means that the preponderance of evidence establishes the abuse occurred.

(20) "Unbiased investigation" means an investigation that is conducted by a community program that does not have an actual or potential conflict of interest with the outcome of the investigation.

Stat. Authority: ORS 179.040 & 409.050

Stats. Implemented: ORS 430.735 - 430.765, 443.400 - 443.460 & 443.705 - 443.825

Hist.: MHD 5-1994, f. 8-22-94 & cert. ef. 9-1-94; Renumbered from 309-040-0210, OMAP 87-2004, f. 11-10-04, cert. ef. 12-1-04; Renumbered from 410-009-0060, DHSD 5-2007, f. 6-29-07, cert. ef. 7-1-07; DHSD 3-2009, f. & cert. ef. 5-1-09; DHSD 12-2009(Temp), f. 12-31-09, cert. ef. 1-1-10 thru 6-29-10; DHSD 4-2010, f. & cert. ef. 6-29-10; DHSD 7-2010(Temp), f. & cert. ef. 8-5-10 thru 1-31-11

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Rule Caption: Definition Amendments for Criminal Records Check Rules for Providers.

Adm. Order No.: DHSD 8-2010(Temp)

Filed with Sec. of State: 8-12-2010

Certified to be Effective: 8-12-10 thru 2-7-11

Notice Publication Date:

Rules Amended: 407-007-0210

Subject: The definition rule for the Department of Human Services' (Department) criminal records check rules for providers (OAR 407-007-0200 to 407-007-0370) is being amended to correctly align with ORS 443.004 and required changes made in other Department program administrative rules. Without immediate correction, there are inconsistencies between Oregon statutes, program rules, and the criminal records check rules which jeopardize the integrity and applicability of the criminal records check process.

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

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

Rules Coordinator: Jennifer Bittel—(503) 947-5250

407-007-0210

Definitions

As used in OAR 407-007-0200 to 407-007-0370, unless the context of the rule requires otherwise, the following definitions apply:

(1) "Appointing authority" means the individual designated by the qualified entity responsible for appointing authorized designees and contact persons. Examples include but are not limited to human resources staff with the authority to offer and terminate employment, business owners, a member of the board of directors, a director, or a program administrator.

(2) "Approved" means, with regard to a fitness determination, that a subject individual, following a final fitness determination, is fit to work, volunteer, be employed, or otherwise perform in the position listed on the Background Check Request form.

(3) "Approved with restrictions" means an approval in which some restriction is made including but not limited to the subject individual, the subject individual's environment, the type or number of clients for whom the subject individual may provide care, or the information to which the subject individual has access.

(4) "Authorized designee (AD)" means an individual designated by the Department of Human Services, or an approved qualified entity authorized by the Department of Human Services to receive and process criminal records check request forms from subject individuals and criminal records information from the Department of Human Services.

(5) "Background Check Unit (BCU)" means the Department of Human Services' Background Check Unit.

(6) "Care" means the provision of care, treatment, education, training, instruction, supervision, placement services, recreation, or support to children, the elderly, or individuals with disabilities (see ORS 181.537).

(7) "Client" means any individual who receives services, care, or funding for care through the Department of Human Services.

(8) "Closed case" means a criminal records check application that has been closed without a final fitness determination.

(9) "Contact person (CP)" means an individual who is designated by the Department of Human Services or an approved qualified entity to receive and process criminal records check request forms from subject individuals, but who is not authorized to receive criminal records information from the Department of Human Services.

(10) "Criminal records check" means obtaining and reviewing criminal records as required by these rules and includes any or all of the following:

(a) An Oregon criminal records check where criminal offender information is obtained from the Oregon State Police (OSP) using the Law Enforcement Data System (LEDS). The Oregon criminal records check may also include a review of other criminal records information.

(b) A national criminal records check where records are obtained from the Federal Bureau of Investigation (FBI) through the use of fingerprint cards sent to OSP and other identifying information. The national criminal records check may also include a review of other criminal records information.

(c) A state-specific criminal records check where records are obtained from law enforcement agencies, courts, or other criminal records information resources located in, or regarding, a state or jurisdiction outside Oregon.

(11) "Criminal offender information" means records, including fingerprints and photographs, received, compiled, and disseminated by OSP for purposes of identifying criminal offenders and alleged offenders and maintained as part of an individual's records of arrest, the nature and disposition of criminal charges, sentencing, confinement, and release, but does not include the retention by OSP of records of transfer of inmates between penal institutions or other correctional facilities.. It also includes the OSP Computerized Criminal History System (see OAR 257-010-0015).

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(12) "Denied" means, with regard to a fitness determination, that a subject individual:

(a) Following a fitness determination including a weighing test, is not fit to work, volunteer, be employed, reside, or otherwise hold the position listed on the Background Check Request form.

(b) If determined to be a subject individual under OAR 407-007-0275, is not eligible to hold the position at or through the qualified entity listed on the Background Check Request form due to a conviction for one or more crimes listed in 407-007-0275.

(13) "Department" means the Department of Human Services.

(14) "Fitness determination" means the decision in a case that is not closed, and includes:

(a) The decision regarding a Background Check Request form and preliminary review (a preliminary fitness determination); or

(b) The decision regarding a Background Check Request form, completed criminal records check, including gathering other information as necessary, and a final review by an AD (a final fitness determination).

(15) "Good cause" means a valid and sufficient reason for not complying with time frames set during the criminal records check process or contested case hearing process that includes but is not limited to an explanation of circumstances beyond a subject individual's reasonable control.

(16) "Hearing representative" means a Department employee representing the Department in a contested case hearing.

(17) "Hired on a preliminary basis" means a condition in which a qualified entity allows a subject individual to work, volunteer, be trained, or reside in an environment following the submission of a completed Background Check Request form. Hired on a preliminary basis may also be called probationary status.

(18) "Other criminal records information" means information obtained and used in the criminal records check process that is not criminal offender information from OSP. Other criminal records information includes but is not limited to police investigations and records, information from local or regional criminal records information systems, justice records, court records, information from the Oregon Judicial Information Network, sexual offender registration records, warrants, Oregon Department of Corrections records, Oregon Department of Transportation's Driver and Motor Vehicle Services Division information, information provided on the Background Check Request forms, disclosures by a subject individual, and any other information from any jurisdiction obtained by or provided to the Department for the purpose of conducting a fitness determination.

(19) "Position" means the position listed on the Background Check Request form which determines whether the individual is a subject individual under these or Department program rules.

(20) "Qualified entity (QE)" means a community mental health or developmental disability program, local health department, or an individual, business, or organization, whether public, private, for-profit, nonprofit, or voluntary, that provides care, including a business or organization that licenses, certifies, or registers others to provide care (see ORS 181.537).

(21) "Subject individual (SI)" means an individual on whom the Department may conduct a criminal records check and from whom the Department may require fingerprints for the purpose of conducting a national criminal records check.

(a) An SI includes any of the following:

(A) An individual who is licensed, certified, registered, or otherwise regulated or authorized for payment by the Department and who provides care.

(B) An employee, contractor, temporary worker, or volunteer who provides care, or has access to clients, client information, or client funds, within any entity or agency licensed, certified, registered, or otherwise regulated by the Department.

(C) Any individual who is paid directly or indirectly with public funds who has or will have contact with recipients of:

(i) Services within an adult foster home (defined in ORS 443.705);

(ii) Services within a residential facility (defined in ORS 443.400);

(iii) Services through in-home care agencies (defined in ORS 443.305); or

(iv) Services through home health agencies (defined in ORS 443.005).

(D) Any direct care staff secured by any long term care facility licensed by the Department pursuant to ORS chapter 441 through the services of a personnel services or staffing agency who works in the long term care facility.

(E) Except as provided in section (21)(b)(C) and (D) of this rule, an individual who lives in a facility that is licensed, certified, registered, or

otherwise regulated by the Department to provide care. The position of this SI includes but is not limited to resident manager, household member, or boarder.

(F) An individual working or volunteering for a private licensed child caring agency or system of care contractor providing child welfare services pursuant to ORS chapter 418.

(G) A homecare worker, personal care services provider, or an independent provider employed by a Department client who provides care to the client if the Department helps pay for the services.

(H) A child care provider and their employees reimbursed through the Department's child care program and other individuals in child care facilities that are exempt from certification or registration by the Child Care Division of the Oregon Employment Department (OED). This includes all individuals who reside in or who are frequent visitors to the residence or facility where the child care services are provided and who may have unsupervised access to the children (see OAR 461-165-0180).

(I) An AD or CP in any entity or agency licensed, certified, registered, or otherwise regulated by the Department.

(J) An individual providing on the job certified nursing assistant classes to staff within a long term care facility.

(K) A student at a long term care facility enrolled in a certified nursing assistant class for employment at the facility.

(L) Any individual serving as an owner, operator, or manager of a room and board facility pursuant to OAR chapter 411, division 68.

(M) Any individual who is required to complete a criminal records check pursuant to other Department program rules or a contract with the Department or if the requirement is within Department's statutory authority. Specific statutory authority or reference to these rules and the positions under the contract subject to a criminal records check must be specified in the contract. This inclusion as a subject individual would not be negated by section (21)(b) of this rule.

(b) An SI does not include:

(A) Any individual under 16 years of age.

(B) An individual receiving training in a Department-licensed or Department-certified facility as part of the required curriculum through any college, university, or other training program and who is not an employee in the facility in which training is provided. The individual may not be considered a volunteer under these rules. Facilities must ensure that all students or interns have passed a substantially equivalent background check process through the training program or are:

(i) Actively supervised at all times as defined in OAR 407-007-0315; and

(ii) Not allowed to have unsupervised access to vulnerable individuals.

(C) Department clients or QE clients, unless specific written permission to conduct a criminal records check is received from the Department. The only circumstance in which the Department shall allow a check to be performed on a client pursuant to this paragraph is if the client falls within the definition of "subject individual" as listed in sections (21)(a)(A)-(D) and 21(a)(F)-(M) of this rule.

(D) Individuals working in child care facilities certified or registered by the OED.

(E) Individuals employed by a private business that provides services to clients and the general public and is not regulated by the Department.

(F) Individuals employed by a business that provides appliance or structural repair for clients and the general public, and who are temporarily providing these services in an environment regulated by the Department. The QE shall ensure active supervision of these individuals while on QE property and the QE may not allow unsupervised contact with QE clients or residents. This exclusion does not apply to a business that receives funds from the Department for care provided by an employee of the business.

(G) Individuals employed by a private business in which a client of the Department is working as part of a Department-sponsored employment service program. This exclusion does not apply to an employee of a business that receives funds from the Department for care provided by the employee.

(H) Employees and volunteers working in hospitals, ambulatory surgical centers, special inpatient care facilities, outpatient renal dialysis facilities, and freestanding birthing centers as defined in ORS 442.015.

(I) Volunteers, who are not under the direction and control of any entity licensed, certified, registered, or otherwise regulated by the Department.

(J) Individuals employed or volunteering in a Medicare-certified health care business which is not subject to licensure or certification by the State of Oregon.

(K) Individuals working in restaurants or at public swimming pools.

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(L) Hemodialysis technicians.

(M) Employees, contractors, temporary workers, or volunteers who provide care, or have access to clients, client information, or client funds of an alcohol and drug program that is certified, licensed, or approved by the Department's Addictions and Mental Health Division to provide prevention, evaluation, or treatment services. This exclusion does not apply to programs specifically required by other Department rules to conduct criminal records checks in accordance with these rules.

(N) Individuals working for a transit service provider which conducts background checks pursuant to ORS 267.237.

(O) Individuals being certified by the Department as interpreters pursuant to ORS 409.623. This exclusion does not apply to Department-certified interpreters when being considered for a specific position.

(P) Provider group categories that were authorized for payment by the Department for care if the provider group categories were not covered by a Department criminal record check process prior to 2004.

(Q) Emergency medical technicians and first responders certified by the Department's Emergency Medical Services and Trauma Systems program.

(22) "Weighing test" means a process in which one or more ADs consider available information to make a fitness determination when an SI has potentially disqualifying convictions or conditions.

Stat. Auth.: ORS 181.537 & 409.050

Stats. Implemented: ORS 181.534, 181.537, 409.010 & 443.004

Hist.: OMAP 8-2004, f. 2-26-04, cert. ef. 3-1-04; OMAP 77-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; OMAP 22-2005, f. & cert. ef. 3-29-05; Renumbered from 410-007-0210, DHSD 8-2007, f. 8-31-07, cert. ef. 9-1-07; Hist.: DHSD 2-2008(Temp), f. & cert. ef. 3-31-08 thru 9-26-08; DHSD 7-2008, f. 8-29-08, cert. ef. 9-1-08; DHSD 10-2008, f. 12-26-08, cert. ef. 1-1-09; DHSD 2-2009, f. & cert. ef. 4-1-09; DHSD 7-2009, f. & cert. ef. 10-1-09; DHSD 10-2009, f. 12-31-09, cert. ef. 1-1-10; DHSD 8-2010(Temp), f. & cert. ef. 8-12-10 thru 2-7-11

Department of Human Services, Children, Adults and Families Division: Child Welfare Programs Chapter 413

Rule Caption: Changing OARs affecting Child Welfare programs.

Adm. Order No.: CWP 17-2010(Temp)

Filed with Sec. of State: 7-19-2010

Certified to be Effective: 7-19-10 thru 1-15-11

Notice Publication Date:

Rules Amended: 413-010-0055

Subject: OAR 413-010-0055 about when it is in a child's best interest for the Department to disclose a client's information is being amended in response to ORS 409.194 to state when the Director of the Department may convene a sensitive review committee to review the actions of the Department. This rule also is being amended to state when the Director must submit a written report of the findings and conclusions of the sensitive review committee to the President of the Senate and the Speaker of the House of Representatives.

Rules Coordinator: Annette Tesch—(503) 945-6067

413-010-0055

Mandatory Disclosure if In the Child's Best Interest

(1) Unless client information is exempt from disclosure under another provision of law, and if disclosure is in the child's best interest, the Department shall disclose the client information records to the following persons:

(a) Employees of the Department of Human Services to the extent necessary to perform their official duties, determine the child's or family's eligibility for services, or provide services to the child or family;

(b) The Division of Child Support of the Department of Justice, when information is needed in order to locate children or absent parents, and to establish support for children in substitute care; and

(c) Treatment providers, foster parents, adoptive parents, school officials or other persons providing services to the child or family to the extent that such disclosure is necessary to provide services to the child or family. Such services include, but are not limited to, those provided by homemakers, intensive family service workers, foster parents, child care centers, private child carrying agencies, treatment centers, Indian social service or child welfare agencies, physicians and other health care providers, mental health professionals, volunteers, student interns, child protection teams.

(2) Sensitive Review Committee.

(a) The Director of the Department of Human Services (Director) may choose to convene, either on the Director's own motion or upon a request

of the President of the Senate or the Speaker of the House, a sensitive review committee for the purpose of reviewing the actions of the Department, in order to improve the quality of and strengthen child welfare practice in future cases. If the Director convenes a committee at the request of the President or the Speaker, then the Director shall submit the final written report to the President and the Speaker no more than 180 days after the committee was convened.

(b) Unless client information is exempt from disclosure under ORS Chapter 192 or another provision of law, and if disclosure is in the child's best interest, the Director or the Director's designee shall direct disclosure of relevant client information to persons appointed to a sensitive review committee convened by the Director.

(A) Any record disclosed to the committee members shall be kept confidential by the members of the committee and shall be used only for the purpose for which the record was disclosed.

(B) Any records disclosed to the committee members shall be returned to the Department upon completion of the review.

Stat. Auth.: ORS 409.194, 409.225, 418.005

Stats. Implemented: ORS 409.194, 409.225, 418.005

Hist.: SOSCF 9-1999, f. 5-24-99, cert. ef. 6-1-99; CWP 17-2010(Temp), f. & cert. ef. 7-19-10 thru 1-15-11

Department of Human Services, Public Health Division Chapter 333

Rule Caption: Ambulance Vehicle Licensing and Emergency Medical Technicians and First Responders.

Adm. Order No.: PH 16-2010(Temp)

Filed with Sec. of State: 7-16-2010

Certified to be Effective: 7-16-10 thru 1-11-11

Notice Publication Date:

Rules Amended: 333-255-0070, 333-265-0090, 333-265-0105

Subject: The Department of Human Services, Public Health Division is temporarily amending Oregon Administrative Rules in chapter 333, division 255 related to ambulance vehicle licensing, and division 265 related to Emergency Medical Technicians and First Responders. Temporary amendments are needed to correct errors that were unintentionally made in the permanent rulemaking recently filed and effective on July 1, 2010 so that certificate holders can proceed with reinstatement of expired certification as is intended by rule, and so that clarification can be made to create consistency between administrative rule and statute.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-255-0070

Ground Ambulance Operating Requirements

(1) In order to operate a ground ambulance a licensee shall:

(a) Have a driver that meets the qualifications in OAR chapter 333, division 250;

(b) Have emergency medical technicians or other qualified licensed health care professionals staffing the ambulance, as required by OAR chapter 333, division 250.

(c) Ensure that the appropriate equipment is available and in satisfactory working condition, stored in a sanitary and secure manner that protects the viability and safe operation of medications and equipment, including but not limited to:

(A) Installed medical oxygen cylinder with a capacity of at least 3,000 liters and having not less than 500 psi:

(i) The installed medical oxygen cylinder must be located in a vented compartment; and

(ii) The compartment shall not be utilized for storage of any non-secured equipment. No combustible items shall be stored in the oxygen compartment.

(B) Oxygen pressure regulator:

(i) The oxygen must be delivered by a single-stage regulator which is set to at least 50 psi;

(ii) The pressure regulator controls must be accessible from inside the patient compartment; and

(iii) The pressure regulator or other display must be visible from inside the patient compartment.

(C) Oxygen flow meter, mounted — 2:

(i) The flow meter must be readable from the EMT seat and squad bench; and

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(ii) The flow meter must be adjustable over a minimum range of 0 to 15 liters per minute.

(D) Portable medical oxygen cylinder with a capacity of at least 300 liters and having not less than 500 psi:

(i) The oxygen must be delivered by a yoke regulator with a pressure gauge and non-gravity-dependent flow meter that is visible and accessible to the medical personnel; and

(ii) The flow meter must be adjustable over a minimum range of 0 to 15 liters per minute.

(E) Spare portable oxygen cylinder that is full, tagged, sealed and securely mounted;

(F) Oxygen non-rebreathing masks with tubing:

(i) Pediatric — 2; and

(ii) Adult — 3.

(G) Oxygen nasal cannula with tubing that are transparent and disposable, adult — 3;

(H) Bag-valve-mask ventilation device with reservoir. The device must:

(i) Have a standard universal adapter;

(ii) Be operable with or without an oxygen supply;

(iii) Be manually operated and self-refilling; and

(iv) Have bag-valve-mask ventilation devices with reservoir that are transparent and semi-rigid in assorted sizes to include adult, child, and newborn/infant.

(I) Pharyngeal esophageal airway devices in assorted sizes with agency Supervising Physician approval;

(J) Oxygen Saturation Monitor;

(K) Endtidal CO₂ detection device in assorted sizes;

(L) Oropharyngeal airways in assorted sizes to include adult, child, and newborn/infant;

(M) Nasopharyngeal airways in assorted sizes;

(N) Two suction apparatus. Suction apparatus:

(i) Shall be electrically powered or battery powered with pressure regulator.

(ii) If battery powered, shall have enough back-up batteries to maintain suction during routine transport.

(O) Adequate supply of wide-bore tubing, commercial rigid pharyngeal curved suction tips and flexible suction catheters sized from infant to adult;

(P) Collection canisters, either disposable or sealable liners, with adequate capacity.

(Q) Cardiac monitoring equipment including, at a minimum, a portable battery operated automatic or semi-automatic defibrillator (AED), with pediatric capabilities and sufficient pediatric accessories for proper operation on a pediatric patient.

(R) A wheeled stretcher:

(i) Capable of securely fastening to the ambulance body;

(ii) Having a minimum of three restraining devices and an upper torso (over the shoulder) restraint;

(iii) Containing a standard size waterproof foam mattress; and

(iv) Capable of having the head of the stretcher tilted upwards to a 60-degree semi-sitting position.

(S) At least one folding stretcher, the number required based on the stretcher-carrying capacity of the ambulance, or an additional long backboard:

(i) Capable of securely fastening to the squad bench when carrying a patient; and

(ii) Having a minimum of three restraining devices and an upper torso (over the shoulder) restraint.

(T) Fracture immobilization equipment, including but not limited to:

(i) Traction splints in assorted adult sizes and/or adult child combination;

(ii) Extremity splints in assorted sizes;

(iii) Extrinsic collars in assorted pediatric through adult sizes;

(iv) Scoop stretcher, folding or non-folding type with necessary restraining devices with sufficient supplies for head immobilization;

(v) Short backboard or equivalent with necessary restraining devices with sufficient supplies for head immobilization;

(vi) Long backboard with necessary restraining devices with sufficient supplies for head immobilization;

(vii) Pediatric backboard with necessary restraining straps with sufficient supplies for head immobilization;

(viii) Bandages and dressings in assorted sizes, sterile and non-sterile; and

(ix) Adhesive or hypo-allergenic tape in assorted sizes.

(U) Miscellaneous equipment, including but limited to:

(i) Emesis containers;

(ii) Stethoscope, pediatric and adult;

(iii) Aneroid sphygmomanometer in assorted sizes;

(iv) Bandage shears;

(v) Hypothermia thermometer;

(vi) Disposable obstetrical kit;

(vii) Chemical heat and cold packs assorted;

(viii) Urinals, female and male, one each;

(ix) Bedpan;

(x) Set of extremity restraining devices;

(xi) Blood glucose level testing kit or blood glucose level test strips;

(xii) Medications and fluids authorized for Basic Life Support use as required by the EMS Medical Director; and

(xiii) Linen supplies and replacements sufficient to cover wheeled stretchers.

(V) Personal protection equipment sufficient for crew and patient(s), including but not limited to:

(i) Non-latex disposable gloves;

(ii) Disposable face masks;

(iii) Protective eyewear;

(iv) Disposable isolation gowns;

(v) Commercial antimicrobial hand cleanser;

(vi) Surface cleaning disinfectant;

(vii) Sharps container for the patient care compartment and a separate container for each kit that contains needles; and

(viii) Infectious waste disposal bags.

(W) Security and rescue equipment, including but not limited to:

(i) Fire extinguisher, 5lb. (2A-10BC type) - mounted and readily accessible in either the driver's or patient compartment;

(ii) Road flares, red colored chemical lights, the number and burning time to equal at least 180 minutes, or a minimum of six reflective triangles;

(iii) Flashlight;

(iv) Leather gloves sufficient for crew;

(v) Reflective vests for each crew member;

(vi) HEPA mask for each crew member; and

(vii) Adequate extrication equipment for agencies that provide initial response without the response of other rescue apparatus or equipment.

(X) The 2008 Department of Transportation Emergency Response Guidebook, (Initial Response to Hazardous Materials Incidents);

(Y) Triage tags — 25;

(Z) Oregon Trauma Systems Identification Bracelets — 5;

(AA) Prehospital Care Report Forms or electronic field data form;

(BB) A copy of BLS standing orders for dated within one year and signed by the EMS Medical Director;

(CC) A universal "No Smoking" sign conspicuously displayed in the driver's and patient compartment; and

(DD) A universal "Fasten Seatbelt" sign conspicuously displayed in the driver's compartment.

(2) An ambulance shall have two-way radio communication equipment to provide reliable contact between the ambulance and central dispatch, the receiving hospital, and online medical direction.

Stat. Auth.: ORS 682.017

Stats. Implemented: ORS 682.017 - 682.117, 682.991

Hist. HD 63, f. 6-6-74, ef. 6-25-74; HD 1-1981, f. & ef. 1-14-81; Renumbered from 333-023-0650; HD 14-1981(Temp), f. & ef. 8-7-81; HD 19-1984, f. & ef. 9-10-84; HD 16-1986, f. & ef. 9-9-86; HD 9-1987, f. & ef. 7-21-87; HD 19-1991, f. & cert. ef. 10-18-91, Former 333-028-0050(3) Renumbered to 333-028-0051, former 333-028-0050(4) & (5) Renumbered to 333-028-0052; HD 8-1993, f. 6-22-93, cert. ef. 7-1-93; HD 18-1994, f. 6-30-94, cert. ef. 7-1-94, Renumbered from 333-028-0050; OHD 5-2001, f. & cert. ef. 2-24-01; PH 2-2007, f. & cert. ef. 2-1-07; PH 12-2010, f. 6-30-10, cert. ef. 7-1-10; PH 16-2010(Temp), f. & cert. ef. 7-16-10 thru 1-1-11

333-265-0090

Reverting to a Lower Level of EMT Certification

(1) An EMT may revert to a lower level of certification at any time during a certification period if the EMT:

(a) Submits a written request to the Division specifying the reason for the change in the certification level;

(b) Submits an application for recertification for the lower level of certification sought with the appropriate fee;

(c) Surrenders his or her current EMT certificate to the Division;

(d) Is in good standing with the Division;

(e) Adequately documents appropriate continuing education hours and courses for the certification level the individual would revert to; and

(f) Receives written approval from the Division for a change in certification level.

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(2) If an EMT requests reinstatement of the higher level of certification within one year of reverting to a lower level of certification the EMT must complete the requirements specified in OAR 333-265-0100(3) and 333-265-0105.

(3) If an EMT requests reinstatement of the higher level of certification after one year, but less than two years the EMT must complete the requirements specified in OAR 333-265-0105.

Stat. Auth.: ORS 682.017, 682.216

Stats. Implemented: ORS 682.017, 682.216

Hist.: HD 19-1991, f. & cert. ef. 10-18-91; HD 18-1994, 6-30-94, cert. ef. 7-1-94, Renumbered from 333-028-0037; OHD 9-2001, f. & cert. ef. 4-24-01; PH 10-2008, f. & cert. ef. 6-16-08; PH 13-2010, f. 6-30-10, cert. ef. 7-1-10; PH 16-2010(Temp), f. & cert. ef. 7-16-10 thru 1-1-11

333-265-0105

Reinstatement of First Responder and EMT Certification

(1) To reinstate an expired Oregon First Responder, EMT-Basic, Advanced EMT, EMT-Intermediate, or EMT-Paramedic certificate that has been expired for less than one year, an applicant must:

(a) Submit a completed application for recertification;

(b) Submit the appropriate recertification fee plus a late fee; and

(c) Provide evidence of completion of continuing education requirements as specified in Appendix 1, incorporated by reference, and courses completed from the certificate holder's last successful application through the date of the present application for recertification, as specified in this rule.

(2) To reinstate an Oregon First Responder, EMT-Basic, EMT-Intermediate, or EMT-Paramedic certificate that has been expired for more than one year, but less than two years, a certificate holder must submit a completed application for certification with the appropriate fee and successfully complete a Division approved reinstatement program described in these rules.

(3) Reinstatement program for a certified First Responder:

(a) Obtain an American Heart Association "Health Care Provider," or American Red Cross "Basic Life Support for the Professional Rescuer," or other Division approved equivalent CPR course completion document;

(b) Complete the First Responder refresher course approved by the Division;

(c) Pass the First Responder cognitive and practical examinations within three attempts, including a same-day re-examination; and

(d) Complete the above listed program requirements within six months of applying for reinstatement.

(4) Reinstatement program for an EMT-Basic:

(a) Obtain an American Heart Association "Health Care Provider," or American Red Cross "Basic Life Support for the Professional Rescuer," or other Division approved equivalent CPR course completion document;

(b) Complete the EMT-Basic Refresher Training Program, U.S. Department of Transportation, National Highway Traffic Safety Administration, 1995, incorporated by reference;

(c) Pass the EMT-Basic cognitive and practical examinations within three attempts, including a same-day re-examination; and

(d) Complete the above listed program requirements within six months of applying for reinstatement.

(5) Reinstatement program for an EMT-Intermediate:

(a) Obtain an American Heart Association "Health Care Provider," or American Red Cross "Basic Life Support for the Professional Rescuer," or other Division approved equivalent CPR course completion document;

(b) Complete a Division approved EMT-Intermediate refresher course consisting of at least:

(A) Fourteen hours of didactic instruction;

(B) Eight hours of clinical experience in a hospital emergency department in which patient assessment, eliciting a concise and focused medical history, oxygenation and ventilator management, intravenous therapy, and medication preparation and administration are evaluated; and

(C) Demonstration of five supervised and documented successful pharyngeal esophageal airway device placements (mannequin permitted) and five supervised and documented successful intravenous line placements (mannequin permitted).

(c) Pass the EMT-Intermediate cognitive and practical examination within three attempts, including the same day re-examination; and

(d) Complete the above listed program requirements within one year of applying for reinstatement.

(6) Reinstatement program for an EMT-Paramedic:

(a) Complete an Advanced Cardiac Life Support (ACLS) course, provider or instructor course;

(b) Complete a Basic Trauma Life Support (BTLS) course, or Pre-Hospital Trauma Life Support (PHTLS) course, provider or instructor course;

(c) Complete an Advanced Pediatric Life Support (APLS), Pediatric Advanced Life Support (PALS), Pediatric Education for Pre-hospital Professionals (PEPP), or Neonatal Advance Life Support (NALS) course, provider or instructor course;

(d) Complete the U.S. Department of Transportation, National Highway Traffic Safety Administration 2001 EMT-Paramedic: National Standard Curriculum Refresher Training Program, incorporated by reference;

(e) Pass the EMT-Paramedic cognitive and practical examinations within three attempts, including the same-day re-examination;

(f) Complete the above listed program requirements within two years of applying for reinstatement; and

(g) Document completion of a DOT EMT-Paramedic Training Program taken after January 1, 1977.

Stat. Auth.: ORS 682.216

Stats. Implemented: ORS 682.017, 682.216

Hist.: PH 13-2010, f. 6-30-10, cert. ef. 7-1-10; PH 16-2010(Temp), f. & cert. ef. 7-16-10 thru 1-1-11

Rule Caption: Registry of Emergency Health Care Services Volunteers and Designation of Emergency Health Care Centers.

Adm. Order No.: PH 17-2010

Filed with Sec. of State: 8-12-2010

Certified to be Effective: 8-12-10

Notice Publication Date: 5-1-2010

Rules Adopted: 333-003-0116, 333-003-0118, 333-003-0210

Rules Amended: 333-003-0100, 333-003-0105, 333-003-0110, 333-003-0115, 333-003-0120, 333-003-0125, 333-003-0130, 333-003-0140

Rules Repealed: 333-003-0135

Subject: The Department of Human Services, Public Health Division is permanently adopting and amending Oregon Administrative Rules relating to the registration and activation of emergency health care services volunteers and the designation of emergency health care centers in response to the passage of SB 8 and HB 3021 during the 2009 Legislative Session.

These rules address the extended liability protection and workers' compensation protection to qualified emergency service volunteers and reorganize current rules in order to provide consistency and clarity. The rules also help to build more programmatic structure and streamline processes to strengthen the registration process of emergency health care services volunteers and the designation of emergency health care centers.

Rules Coordinator: Brittany Sande—(971) 673-1291

333-003-0100

Scope

The rules in OAR 333-003-0100 to 333-003-0210 pertain to the registration and deployment of health care providers to perform emergency health care services during a declared emergency and to the designation of emergency health care centers under ORS 401.651 to 401.670 during a declared emergency.

Stat. Auth.: ORS 401.651 - 401.670

Stats. Implemented: ORS 401.651 - 401.670

Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 17-2010, f. & cert. ef. 8-12-10

333-003-0105

Definitions

For purposes of OAR 333-003-0100 to 333-003-0140, the following definitions apply:

(1) "Cooperative Agreement" means an agreement between the Division and a local public health authority under ORS 401.657.

(2) "Credentialing" means granting privileges or permission, including any limitations or limits on the privileges or permission, authorizing a health care provider to provide health care services at a health care facility.

(3) "Credentialing plan" means the procedures established by an emergency health care center for credentialing registrants and volunteers, including but not limited to a plan for verifying that a health care provider is in good standing.

(4) "Declaration" or "declared emergency" means the Governor has declared a state of emergency to exist under ORS 401.055 or 433.441

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(5) "Division" means the Oregon Public Health Division within the Department of Human Services.

(6) "Emergency health care center" means a health care facility, or any portion thereof designated by the Division or by a local public health authority or any other location designated by the Division or by a local public health authority in accordance with OAR 333-003-0130.

(7) "Emergency health care services" means health care services rendered by a registrant or volunteer during a declared emergency.

(8) "Emergency Support Function 8 (ESF-8)" means the Public Health and Medical Services response for the State of Oregon during a declared emergency.

(9) "Health care facility" means a health care facility as defined in ORS 442.015 that has been licensed under ORS chapter 441.

(10) "Health care provider" means an individual licensed, certified or otherwise authorized or permitted by the laws of this state or another state to administer health care services in the ordinary course of business or practice of a profession.

(11) "Incident Command System (ICS)" means a standardized on-scene emergency management system that enables multiple agencies and jurisdictions to respond to single or multiple incidents using an integrated organizational structure.

(12) "In good standing" means that a health care provider is currently certified, registered or licensed, does not have any disciplinary restrictions placed on his or her certificate, registration or license, and who is not suspended or on probation with the certifying, registering or licensing agency that issued the certification, registration or license for any reason.

(13) "Local public health authority" has the meaning provided in ORS 431.260.

(14) "Registrant" means a health care provider listed on the Registry.

(15) "Registry" means the Health Care Provider Registry established by the Division.

(16) "Volunteer" means a health care provider who is not a registrant or is a registrant but is not deployed by the Registry, who provides emergency health care services at an emergency health care center.

Stat. Auth.: ORS 401.651 - 401.670

Stats. Implemented: ORS 401.651 - 401.670

Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08; PH 17-2010, f. & cert. ef. 8-12-10

333-003-0110

The Health Care Provider Registry

(1) Under ORS 431.654 the Division is authorized to maintain a registry of health care providers who may, during a declared emergency, be deployed by the Division to provide emergency health care services. The Division shall include the following minimum information in the Registry concerning each registrant:

- (a) Name;
- (b) Contact information;
- (c) License, registration or other certification; and
- (d) Information about the registrant's usual practice or specialty, if that information is available and the Division determines it is necessary to include in the Registry.

(2) Health care providers that may be registered include but are not limited to individuals licensed, registered or certified by the:

(a) State Board of Examiners for Speech-Language Pathology and Audiology;

(b) State Board of Chiropractic Examiners;

(c) State Board of Licensed Social Workers;

(d) Oregon Board of Licensed Professional Counselors and Therapists;

(e) Oregon Board of Dentistry;

(f) Board of Examiners of Licensed Dietitians;

(g) State Board of Massage Therapists;

(h) Oregon Board of Naturopathic Medicine;

(i) Oregon State Board of Nursing;

(j) Oregon Board of Optometry;

(k) State Board of Pharmacy;

(l) Oregon Medical Board;

(m) Occupational Therapy Licensing Board;

(n) Physical Therapist Licensing Board;

(o) State Board of Psychologist Examiners;

(p) Board of Radiologic Technology;

(q) State Board of Direct Entry Midwifery;

(r) State Board of Denture Technology;

(s) Respiratory Therapist Licensing Board; or

(t) Oregon Department of Human Services, to the extent that the department certifies emergency medical technicians.

(3) The Division may share information about registrants with state and local emergency management departments, local public health authorities, and other state or federal agencies and health care facilities as necessary, for emergency response purposes. Nothing in this section prohibits the Division from sharing registry information for any lawful purpose.

Stat. Auth.: ORS 401.651 - 401.670

Stats. Implemented: ORS 401.651 - 401.670

Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08; PH 17-2010, f. & cert. ef. 8-12-10

333-003-0115

Registration with the Division; Renewal

(1) A health care provider may apply to the Division to be registered as a health care provider to provide emergency health care services during an emergency.

(2) A health care provider shall apply by completing a form prescribed by the Division and submitting the form in the manner prescribed by the Division.

(3) The Division shall verify that an applicant is in good standing.

(4) The Division may request additional information from an applicant if the application is incomplete or questions arise about the applicant during the Division's verification process.

(5) The Division shall notify an applicant, in writing, if he or she has been accepted as a registrant and if not, why not.

(6) If an applicant has been accepted, the Division shall also provide the registrant information described in OAR 333-003-0118.

(7) The Division shall issue a registrant a registry identification card once the registrant has completed the orientation and training required in OAR 333-018-0118. The identification card shall:

(a) Identify the registrant;

(b) Indicate that the registrant is registered as an emergency health care provider;

(c) Identify the license or certification held by the registrant; and

(d) Identify the registrant's usual area of practice if that information is available and the authority determines that it is appropriate to provide that information.

(8) The Division shall require each registrant to update his or her registration information every two years, or when changes occur, and a registrant shall be required to sign a form, prescribed by the Division, that indicates the registrant is willing and able to remain on the Registry.

(9) A registrant identification card shall be renewed and provided to a registrant who fulfills the requirements in section (8) of this rule.

(10) The Division may remove a registrant from the Registry if the Division:

(a) Is notified or learns that a registrant is not in good standing with his or her licensing board or certifying agency;

(b) Determines that a registrant is not capable of providing emergency health care services;

(c) Determines that a registrant has a personal or criminal history that calls into question the ability of the registrant to safely provide emergency health care services; or

(d) Determines that a registrant is not complying with these rules.

(11) A registrant removed from the Registry may reapply at any time but must include with his or her application an explanation that describes how the issue that led to removal has been addressed.

Stat. Auth.: ORS 401.651 - 401.670

Stats. Implemented: ORS 401.651 - 401.670

Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08; PH 17-2010, f. & cert. ef. 8-12-10

333-003-0116

Out-of-State Health Care Providers

(1) The Division may enter into agreements with other states to facilitate the registry of out-of-state health care providers in the Registry established under these rules.

(2) During a state of emergency declared under ORS 401.165 or a state of public health emergency proclaimed under 433.441, a health care provider who is licensed, certified or otherwise authorized or permitted by the laws of another state to administer health care services and who is registered under these rules may administer health care services in this state as if the health care provider were licensed in this state.

Stat. Auth.: ORS 401.670

Stats. Implemented: ORS 401.655

Hist.: PH 17-2010, f. & cert. ef. 8-12-10

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333-003-0118

Duties of Registrants

(1) A registrant is required to complete an orientation session offered or approved by the Division and complete mandatory training offered or approved by the Division including but not limited to ICS training, prior to receiving an identification card.

(2) A registrant has one year from the date the registrant is notified of acceptance into the Registry to complete the orientation and required training or the Division shall remove the registrant's name from the Registry.

(3) If the Division notifies a registrant of an activation, the registrant shall respond to the Division within 24 hours whether or not the registrant is willing to be activated and deployed in accordance with OAR 333-003-0125.

(4) A registrant is required to notify the Division, as soon as practicable, but within 30 days, of the following:

(a) A change in mailing address, phone number, or electronic mail address;

(b) A change in licensure status, certification or registration status; and

(c) A change in mental or physical health that renders a registrant unable to perform emergency health care services.

(5) A registrant shall immediately notify the Division if a registrant's identification card is lost or stolen. The Division shall replace a lost or stolen identification card and may charge a fee for the replacement card.

(6) A registrant may request removal from the Registry at any time by notifying the Division, in writing, of the request, and by returning the identification card described in OAR 333-003-0115. Upon receipt of such request and verification that it came from the registrant, the Division shall remove the registrant from the Registry.

(7) If at any time a registrant is notified by the Division that the registrant has been removed from the Registry, the registrant shall return the identification card described in OAR 333-003-0115 to the Division within 10 days of the date the notification was mailed or electronically mailed. Removed registrants may re-apply at a later date subject to Division approval.

Stat. Auth.: ORS 401.670
Stats. Implemented: ORS 401.654
Hist.: PH 17-2010, f. & cert. ef. 8-12-10

333-003-0120

Health Care Providers Not Included in the Registry

A volunteer may provide emergency health care services at a designated emergency health care center if authorized to do so pursuant to the designated emergency health care center's emergency operations plan and credentialing plan.

Stat. Auth.: ORS 401.651 - 401.670
Stats. Implemented: ORS 401.651 - 401.670
Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 17-2010, f. & cert. ef. 8-12-10

333-003-0125

Activation of Registrants

(1) The Division may activate the Registry in the event of a declaration and direct registrants willing to provide emergency health care services to proceed to any place in Oregon where emergency health care services are required by reason of the emergency or crisis.

(2) The activation of the Registry may be used to support the state Emergency Coordination Center, the State Emergency Management Plan and to implement ESF 8 plans, protocols, and procedures to integrate registrants into the state and local emergency response.

(3) The Division shall notify registrants of activation by phone, electronic mail, or any other means of communications.

(4) The Division shall provide, at a minimum, the following to a registrant willing to be deployed:

- (a) A mission order;
- (b) A description of items needed during the deployment; and
- (c) If applicable, items that will be provided to a registrant.

(5) A registrant willing to be deployed shall bring his or her registry identification card and driver's license to the deployment site.

(6) A registrant may decline to be deployed at the time the registrant is notified of the activation. A registrant shall remain on the Registry whether or not the registrant agrees to be deployed unless the registrant notifies the Division in accordance with OAR 333-003-0118 that he or she wants to be removed from the Registry.

(7) If a registrant deployed under these rules provides emergency health care services at a designated emergency health care center the registrant must provide those services in accordance with the emergency opera-

tions plan and credentialing plan adopted by the designated emergency health care center.

(8) In anticipation of a declaration of emergency or during a declared emergency the Division may register health care providers without complying with OAR 333-003-0115 and provide just-in-time orientation and training. Under this section the Division shall verify licensure status as quickly as possible and shall issue the health care provider a temporary identification card.

Stat. Auth.: ORS 401.651 - 401.670
Stats. Implemented: ORS 401.651 - 401.670
Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08; PH 17-2010, f. & cert. ef. 8-12-10

333-003-0130

Designation of Emergency Health Care Centers

(1) The Division may designate a health care facility, a portion thereof, or any location as an emergency health care center.

(2) During a declared emergency a designated emergency health care center may be used for:

- (a) Evaluation and referral of individuals affected by the emergency;
- (b) Provision of health care services; and
- (c) Preparation of patients for transportation.

(3) A local public health authority may designate a health care facility, a portion thereof, or any location as an emergency health care center if authorized to do so in a cooperative agreement executed by the Division and the local public health authority.

(4) In order to be designated as an emergency health care center a health care facility is required to have an emergency operations plan that includes but is not limited to:

- (a) An ICS structure;
- (b) Procedures for increasing staff during an emergency;
- (c) A credentialing plan that:

- (A) Governs the use of registrants and volunteers;
- (B) Provides for emergency privileges to be granted upon presentation of any of the following:

- (i) A current picture hospital ID card;
- (ii) A current license to practice and a valid picture ID; issued by a state, federal or regulatory agency;
- (iii) Identification indicating that the individual is a member of Oregon Disaster Medical Assistance Team (ODMT);
- (iv) Identification indicating that the individual has been granted authority to render patient care in emergency circumstances, such authority having been granted by federal, state, or municipal entity; or

(v) Presentation by current hospital or medical staff members(s) with personal knowledge regarding practitioner's identity.

(d) A description of individual(s) responsible for granting emergency privileges;

(e) A process for making decisions about whether to grant privileges to registrants or volunteers on a case-by-case basis and at the discretion of the individual(s) responsible for granting emergency privileges;

(f) A mechanism to readily identify the emergency-privileged individuals; and

(g) A process, to begin as soon as the situation that gave rise to the declaration allows, for verifying the license and any other information relevant to a registrant or volunteer who is granted emergency privileges under the credentialing plan.

(5) If the Division designates a location other than a health care facility as an emergency health care center the Division shall utilize its own emergency operations plan or ensure that the location is operated using a plan that includes the provisions described in section (4) of this rule.

(6) The Division shall consider the following in making a decision to designate a facility or another location as an emergency health care center:

- (a) Whether the existing health care system is overwhelmed or incapacitated;
- (b) Whether patients with a particular communicable disease need to be concentrated at particular locations or one location;
- (c) Whether registrants are being activated to provide care at particular health care facilities or whether registrants or volunteers are needed to provide emergency health care services;

(d) Whether it is necessary for the state to direct activities at a health care facility or other location where emergency health care services are to be provided; or

(e) Whether a health care facility is being asked to perform services outside of the general scope of services it customarily provides.

(7) In order to facilitate the designation process during a declared emergency, the Division shall make every effort to pre-designate health care

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facilities, a portion thereof, or any location as an emergency health care center. Pre-designation shall include review and approval of the facility's emergency operations plan. For a location that is not a health care facility, the Division shall review the operations plan that would be utilized at that location.

(8) A facility or location that has been pre-designated does not automatically become a designated emergency health center upon a declaration. Designation shall be made in accordance with section (9) of this rule.

(9) If a facility or location is designated as an emergency health care center the Division shall notify the person in charge of a facility or location in writing and shall issue orders to the emergency health care center that identify the emergency response required by the Division and the time period that the designation is in effect. The liability protection described in OAR 333-003-0210 only extends to activities undertaken by a designated emergency health care center that are directed by the Division.

(10) To the extent practicable, the Division shall request that a facility accept the designation as an emergency health care center. However, acceptance of a designation is not required for the Division to exercise its authority under ORS 401.657.

(11) If the Division pre-designates a facility, portion thereof, or another location in accordance with section (7) of this rule, the Division shall review the applicable emergency operations plan every two years to ensure it remains acceptable.

(12) A designated emergency health care center may determine the services to be provided by a registrant or volunteer deployed under these rules.

Stat. Auth.: ORS 401.651 - 401.670
Stats. Implemented: ORS 401.651 - 401.670
Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 8-2008, f. & cert. ef. 5-5-08; PH 17-2010, f. & cert. ef. 8-12-10

333-003-0140 Training

The Division may require or otherwise make available to registrants training that the Division determines necessary or beneficial to the provision of emergency health care services that may be rendered by registrants pursuant to ORS 401.651 to 401.670 and these rules, including but not limited to training in the emergency response system structure, operations, emergency preparedness and table top or other emergency response exercises. The Division shall not require training that is related to a registrant's professional license.

Stat. Auth.: ORS 401.651 - 401.670
Stats. Implemented: ORS 401.651 - 401.670
Hist.: PH 26-2004, f. & cert. ef. 7-30-04; PH 17-2010, f. & cert. ef. 8-12-10

333-003-0210 Liability Protection; Workers' Compensation

(1) If the Governor declares an emergency, registrants and volunteers who perform emergency health care services under ORS 401.651 to 401.670 and these rules are agents of the state under 30.260 to 30.300 for the purposes of any claims arising out of services that are provided under 401.651 to 401.670 and these rules pursuant to directions from a public body and that are within the course and scope of the registrant's or volunteer's duties, without regard to whether the registrant or volunteer is compensated for the services.

(2) If the Governor declares an emergency a designated emergency health care center and persons operating a designated emergency health care center are agents of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of services that are provided through the designated emergency health care center pursuant to directions from a public body and that are within the course and scope of the duties of the health care facility or other person, without regard to whether the health care facility or other person is compensated for the services.

(3) A registrant participating in training authorized by the Department of Human Services under ORS 401.651 to 401.670 and OAR 333-003-0140 is an agent of the state under ORS 30.260 to 30.300 for the purposes of any claims arising out of that training.

(4) The provisions of section (2) of this rule apply only to a designated emergency health care center that has adopted an emergency operations plan and credentialing plan that governs the use of registrants and volunteers. An emergency operations plan and a credentialing plan must comply with these rules.

(5) A registrant shall also be considered a qualified emergency services volunteer under ORS 401.358 to 401.368 for the purpose of receiving workers' compensation coverage if injured in the course and scope of providing emergency health care services.

(6) A volunteer must meet the definition of a qualified emergency services volunteer under ORS 401.358 in order to receive workers' compensation coverage under 401.358 to 401.368.

Stat. Auth.: ORS 401.670
Stats. Implemented: ORS 401.667
Hist.: PH 17-2010, f. & cert. ef. 8-12-10

Rule Caption: Requests for hearings following the suspension of water system operator certification.

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Rules Amended: 333-061-0272

Rules Repealed: 333-061-0272(T)

Subject: The Department of Human Services, Public Health Division is permanently amending Oregon Administrative Rule (OAR) 333-061-0272. OAR 333-061-0272 requires the Department to conduct a contested case hearing within 10 days of the request for hearing following the suspension of an individual's water system operator certification when that request for hearing is received within 10 days of receiving the notice of suspension. The Attorney General's model rules that govern contested case hearings before the Office of Administrative Hearings, OAR 137-003-0501(2), prohibits an agency from adopting procedural rules related to contested case hearings conducted by an administrative law judge. The section of OAR 333-061-0272 that is a procedural rule related to the conduct of hearings is inconsistent with OAR 137-003-0501(2). OAR 333-061-0272 is amended to be consistent with OAR 137-003-0501(2).

Rules Coordinator: Brittany Sande—(971) 673-1291

333-061-0272

Suspension of Certification

(1) The Department may immediately suspend an operator's certificate of competency for violation of any portion of OAR 333-061-0205 to 333-061-0270 if the Department finds that such violation(s) constitute a serious danger to the public health or safety. The Department shall set forth specific reasons for such findings.

(2) An operator has 90 days from the date of notice to the operator to request a hearing. The hearing shall be held as soon as practicable if a request for hearing is received by the Department.

Stat. Auth.: ORS 448.131
Stats. Implemented: ORS 431.110, 431.150, 448.450, 448.455 & 448.994
Hist.: OHD 7-2002, f. & cert. ef. 5-2-02; PH 16-2004(Temp), f. & cert. ef. 4-9-04 thru 10-5-04; PH 20-2004, f. & cert. ef. 6-18-04; PH 6-2010(Temp), f. & cert. ef. 3-16-10 thru 9-10-10; PH 18-2010, f. & cert. ef. 8-12-10

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

Rule Caption: Reinstatement of the Personal Care Services Program.

Adm. Order No.: SPD 18-2010(Temp)

Filed with Sec. of State: 7-29-2010

Certified to be Effective: 7-29-10 thru 12-27-10

Notice Publication Date:

Rules Amended: 411-034-0000

Rules Suspended: 411-034-0000(T)

Subject: To reinstate the Personal Care Services Program, the Department of Human Services, Seniors and People with Disabilities Division (SPD) is temporarily amending OAR 411-034-0000 to remove language relating to the closure of the Personal Care Services Program effective August 1, 2010 and revert back to the original language relating to the purpose of the Personal Care Services Program.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-034-0000

Purpose

(1) These rules in chapter 411, division 034 are established to ensure State Plan Personal Care services will support and augment independence, empowerment, dignity, and human potential through provision of flexible,

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efficient, and suitable services to eligible individuals. State Plan Personal Care services are intended to supplement the individual's own personal abilities and resources.

(2) Medicaid State Plan Services are health care benefits defined by the state. Certain services are required by the Centers for Medicare and Medicaid Services (CMS) to be included in the state plan and others are optional services selected by states from a menu of options. Each state determines what medical services will be covered. Personal Care is one of the optional services that Oregon selected for its Medicaid State Plan.

Stat. Auth.: ORS 409.010, 410.020 & 410.070

Stats. Implemented: ORS 410.020, 410.070 & 410.710

Hist.: SSD 2-1996, f. 3-13-96, cert. ef. 3-15-96; SPD 35-2004, f. 11-30-04, cert. ef. 12-1-04; SPD 16-2007, f. 10-4-07, cert. ef. 10-5-07; SPD 15-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; SPD 18-2010(Temp), f. & cert. ef. 7-29-10 thru 12-27-10

Rule Caption: Restoration of the Family Support Services for Children with Developmental Disabilities Program.

Adm. Order No.: SPD 19-2010(Temp)

Filed with Sec. of State: 7-29-2010

Certified to be Effective: 7-29-10 thru 1-5-11

Notice Publication Date:

Rules Suspended: 411-305-0005(T)

Subject: Due to restored funding for the Family Support Services for Children with Developmental Disabilities Program, the Department of Human Services, Seniors and People with Disabilities Division (SPD) is suspending temporary rule OAR 411-305-0005.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-305-0005

Elimination of the Family Support Services for Children with Developmental Disabilities Program Effective August 1, 2010

(1) Effective August 1, 2010, the Family Support Services for Children with Developmental Disabilities Program is not funded. Notwithstanding other rules of the Department, the Family Support Services for Children with Developmental Disabilities Program is closed effective August 1, 2010.

(2) Effective August 1, 2010, the Department or its designees may not authorize or provide any Family Support Services for Children.

Stat. Auth.: ORS 409.050 & 410.070

Stats. Implemented: ORS 427.005, 427.007, & 430.610 - 430.695

Hist.: SPD 17-2010(Temp), f. & cert. ef. 7-9-10 thru 1-5-11; Suspended by SPD 19-2010(Temp), f. & cert. ef. 7-29-10 thru 1-5-11

Rule Caption: Guardianships and Conservatorships.

Adm. Order No.: SPD 20-2010

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 8-1-10

Notice Publication Date: 7-1-2010

Rules Amended: 411-026-0000, 411-026-0010, 411-026-0020, 411-026-0030, 411-026-0050, 411-026-0060, 411-026-0070, 411-026-0080

Rules Repealed: 411-026-0040

Subject: The Department of Human Services (DHS), Seniors and People with Disabilities Division (SPD) is updating the guardianship and conservatorship rules in OAR chapter 411, division 026 to implement House Bill 2137 (2009) and reflect existing procedures, improve readability, and establish consistency with other SPD rules. Specifically, SPD is:

- Amending OAR 411-026-0000 to add authority to inform the court about abuse and neglect of a protected person;
- Amending OAR 411-026-0010 to update the definitions;
- Amending OAR 411-026-0020 to clarify and add fundamental procedures existing since 2003 such as exhausting lesser restrictive options;
- Amending OAR 411-026-0030 to clarify and add fundamental procedures existing since 2003 such as determining appropriate type of protective proceeding;
- Repealing OAR 411-026-0040 as the language is redundant;
- Amending OAR 411-026-0050 to add language to specify contract attorneys and update procedures to allow for assignment of an attorney based upon specialized legal need;

• Amending OAR 411-026-0060 to add fundamental procedures existing since 2003 such as making reasonable efforts to identify interested parties and fiduciaries;

• Amending OAR 411-026-0070 to reflect new procedures based on ORS 125.012 that SPD may disclose confidential client information to the court or petitioning attorney for the purposes of protective services and adopt new procedures to protect client privacy when disclosing confidential client information to the court; and

• Amending OAR 411-026-0080 to modify language and description of existing procedures to reflect nomination of attorneys for protection of client benefits or state recovery.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-026-0000

Purpose and Scope

(1) The Department of Human Services (Department), Seniors and People with Disabilities Division (Division) has the authority and responsibility to provide protective services to older adults, age 65 or older, and adults with physical disabilities. For the purpose of providing protective services and administration of services under ORS Chapter 410, the Division may request protections from a court under ORS Chapter 125 for an individual who is functionally incapacitated or financially incapable.

(2) The Division's scope when requesting protections under ORS Chapter 125 includes:

(a) Subject to contractual limitations and budgetary constraints, the Division may pay towards the costs of the petition and the protective proceeding under ORS Chapter 125 when there are no other available resources, or when less restrictive interventions are not available, to protect an older adult or an adult with physical disabilities.

(b) For a protective proceeding, or in the case of an existing protective order issued under ORS Chapter 125, the Division may inform and provide confidential information to the court to prevent or lessen a serious and imminent risk to health and safety of an older adult or adult with physical disabilities. The Division may also provide information about the fiduciary for the purpose of the petition or to report abuse when there is substantiated abuse or a failure to protect by the fiduciary.

(3) The rules in OAR chapter 411, division 026 also establish guidelines for the nomination and payment of legal costs for conservators when necessary to preserve, recover, and locate the individual's assets for the benefit of the individual to obtain and maintain Department benefits and services, and for estate recovery of public assistance.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 125.012 & 410.070

Hist.: SSD 9-1996, f. & cert. ef. 10-15-96; SPD 30-2007, f. 11-27-06, cert. ef. 12-01-06; SPD 20-2010, f. 7-30-10, cert. ef. 8-1-10

411-026-0010

Definitions

For purposes of these rules, the following definitions apply:

(1) "Area Agency on Aging (AAA)" means the agency designated by the Department with responsibility to provide a comprehensive and coordinated system of service to older adults or adults with disabilities in a designated planning and service area.

(2) "Central Office" means the office of the Division that provides statewide support for the local offices.

(3) "Confidential Information" means any health, mental health, financial, substantiated abuse, and legal information that is designated as Department confidential or protected information by federal and state statutes or rule.

(4) "Conservator" means a person who has fiduciary duty and is appointed by a court to administer the financial and property resources of a protected individual under ORS Chapter 125.

(5) "Court" means any court in Oregon having probate jurisdiction or a judge thereof.

(6) "Department" means the Department of Human Services (DHS).

(7) "Disability" means any chronic physical or cognitive condition, such as acquired brain damage or dementia that significantly interferes with an individual's ability to protect his or herself from harm, abuse, neglect, or exploitation.

(8) "Division" means the Department of Human Services, Seniors and People with Disabilities Division.

(9) "Fiduciary" means a guardian or conservator appointed under the provisions of ORS Chapter 125. A fiduciary may be:

(a) Temporary in which the powers given in the protective order last generally 30 days and may be granted immediately in an emergency;

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(b) Limited in which only specific powers (not all powers) are granted in the protective order; and

(c) Full in which all or a substantial amount of powers are granted in the protective order. Full guardianship and conservatorships are generally long term.

(10) "Financially Incapable" means a condition in which an individual is unable to manage his or her financial resources effectively for reasons including but not limited to physical disability or cognitive disability, such as acquired brain injury or dementia.

(11) "Functionally Incapacitated" means a condition in which an individual's ability to receive and evaluate information effectively or to communicate decisions is impaired to such an extent that the individual presently lacks the capacity to meet the essential requirements for the individual's physical health or safety. "Meeting the essential requirements for physical health and safety" means those actions necessary to provide the health care, food, shelter, clothing, personal hygiene, financial attention, and other care without which serious physical injury or illness is likely to occur.

(12) "Guardian" means a person who has fiduciary duty and is appointed by a court to make personal, health, or other decisions for a functionally incapacitated individual under ORS chapter 125.

(13) "Interested Party" means persons or entities that under ORS 125.060 shall be notified about the filing of a protective order.

(14) "Local Office" means a Division district office or Area Agency on Aging office that delivers the Division's services to their service delivery area.

(15) "Manage Financial Resources" means those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, and income.

(16) "Party to the Proceeding" means the respondent, petitioner, guardian, conservator, and their legal counsel, or any other person allowed by the court to participate in a guardianship or conservatorship proceeding.

(17) "Visitor" means a person who is an officer, employee, or special appointee of the court, is not an interested party in the proceedings, and has been trained or has the expertise to appropriately evaluate the needs of the allegedly incapacitated individual.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 125.012 & 410.070

Hist.: SSD 9-1996, f. & cert. ef. 10-15-96; SPD 30-2007, f. 11-27-06, cert. ef. 12-01-06; SPD 20-2010, f. 7-30-10, cert. ef. 8-1-10

411-026-0020

Eligibility for State Payment

When a protective order is the appropriate action to protect an individual, the Division may pay towards the costs of the proceeding for a protective order for an individual who:

(1) Is age 65 years or older or is age 18 or older with a physical disability;

(2) Is functionally incapacitated or financially incapable;

(3) Is unable to make informed choices because he or she lacks the ability to understand the current situation, understand the options available and their likely consequences, and reasonably choose from among those options and communicate the choice;

(4) Is in imminent and serious danger of harm to health, safety, or loss of property or resources;

(5) Has no means, family, or other person or entity able to pay for the protective proceeding, or family or other person or entity that has the ability or willingness to petition for the responsibility for the safety and welfare of the individual;

(6) Shall benefit directly from having a guardian or conservator; and

(7) All available lesser restrictive options to protect his or her health and safety are exhausted or are not feasible.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SSD 9-1996, f. & cert. ef. 10-15-96; SPD 30-2007, f. 11-27-06, cert. ef. 12-01-06; SPD 20-2010, f. 7-30-10, cert. ef. 8-1-10

411-026-0030

Screening

(1) The local office shall complete a screening of the individual for whom a guardian or conservator is sought. The screening shall:

(a) Provide specific objective evidence of functional incapacitation or financial incapability;

(b) Address whether the individual's ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that he or she presently lacks the essential requirements for:

(A) His or her health or safety; or

(B) Managing his or her financial resources.

(c) If a conservatorship is not required with a guardianship, determine if the guardian or other person or entity needs to exercise powers over the individual's resources;

(d) Demonstrate that a protective order is necessary to prevent or lessen a serious and imminent threat of harm to the individual; and

(e) Recommend the most appropriate type of protective order, as follows:

(A) Temporary order (emergency order) when there is an imminent and serious danger that needs immediate action.

(B) Limited order when the incapacitated individual needs some but not all decisions to be made by someone else.

(C) Full order when it is demonstrated that long-term and substantial decision-making is needed for the continuing care, comfort, and maintenance of the incapacitated individual.

(D) Other protective orders that may be a less restrictive option.

(2) Unless unattainable, a professional clinical evaluation to determine the individual's capacity to make decisions shall accompany the assessment.

(3) The local office staff may recommend a person to act as a fiduciary. This may be a family member, friend, public or community guardianship program, or a private case manager. Within the capacity of the Division's existing services, procedures, and resources, the local office shall make reasonable efforts to inquire if the person is suitable to act as a fiduciary.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SSD 9-1996, f. & cert. ef. 10-15-96; SPD 30-2007, f. 11-27-06, cert. ef. 12-01-06; SPD 20-2010, f. 7-30-10, cert. ef. 8-1-10

411-026-0050

Assignment of Attorney

Central office shall establish a list of contracted attorneys to be used by the Department to pursue guardianships, conservatorships, and probate matters. Central office shall nominate an attorney from the list to be the petitioning attorney. The attorney names shall be placed on a geographical list and, unless circumstances require otherwise, be assigned on a rotating basis. Central office may assign a specific attorney in limited circumstances that require a specialized legal need.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SSD 9-1996, f. & cert. ef. 10-15-96; SPD 30-2007, f. 11-27-06, cert. ef. 12-01-06; SPD 20-2010, f. 7-30-10, cert. ef. 8-1-10

411-026-0060

Request and Authorization for Payment

(1) The local office shall submit to the central office a request for payment for a protective proceeding. Payment may be for attorney fees for the preparation of a petition to the court and the protective proceeding including paid court fees and court visitor fees. The request shall use forms and procedures established by central office.

(2) The local office shall vigorously pursue any means for private, pro-bono, or another agency payment of the protective proceeding before requesting payment from the Division.

(3) The Division shall not authorize payment for guardianship proceedings solely for the provision of medical care or hospitalization.

(4) The local office shall make reasonable efforts to identify and provide the petitioning attorney with any information about existing fiduciaries including but not limited to an agent for power of attorney, health care representative (advanced directives), guardian, conservator, trustee, or representative payee.

(5) The local office shall make reasonable efforts to identify and provide the petitioning attorney with the names and addresses of interested parties that are required to receive notice under Oregon law.

(6) When payment for a requested guardianship or conservatorship is recommended, the central office shall authorize payment by nominating an attorney who has a contract with the Department for protective proceedings and probate matters. The local office shall then contact the attorney and provide the information necessary to petition the court. To be paid through his or her contract with the Department, the attorney must submit a detailed invoice to central office for attorney fees, court fees, and court visitor fees. Payment shall be limited to the amount set forth in the contract.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Hist.: SSD 9-1996, f. & cert. ef. 10-15-96; SPD 30-2007, f. 11-27-06, cert. ef. 12-01-06; SPD 20-2010, f. 7-30-10, cert. ef. 8-1-10

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Hist.: SSD 9-1996, f. & cert. ef. 10-15-96; SPD 30-2007, f. 11-27-06, cert. ef. 12-01-06; SPD 20-2010, f. 7-30-10, cert. ef. 8-1-10

411-026-0070

Disclosure of Information

(1) In the absence of an individual's authorization for disclosure, a local office may disclose the individual's confidential information or information about the fiduciary or proposed fiduciary when the disclosure is ordered by a court or is:

(a) Reasonably necessary to prevent or lessen a serious and imminent threat to the individual's health or safety; and

(b) The minimum amount of information to sufficiently achieve the legal requirements of the petition and the protective proceeding and to adequately report abuse to the court.

(2) The local office staff shall identify and mark any information or documents for the petitioning attorney, court visitor, or the court that are to be treated as confidential or protected. If the local office staff verbally presents confidential or protected information to the petitioning attorney, court visitor, or the court, then the staff shall request that the information be treated as confidential and protected as required under ORS 125.012 to prevent further disclosure to the general public.

(3) For the purposes of petitioning the court for a protective order, the local office shall request that the:

(a) Petitioning attorney or person or entity presenting confidential information to the court not disclose Department confidential information that is not identified and marked as confidential and protected;

(b) Disclosure of the confidential information be limited to the parties to the proceeding and their counsel or as otherwise ordered by the court;

(c) Petition is written so as to disclose only the minimal amount of confidential information that is specifically necessary to interested parties who are required to receive notice of the petition, but who are not active parties to the proceedings;

(d) Petition contains language, or there is a motion to seal confidential Department information disclosed to the court, including the petition, visitor's report, and any Department provided documents, to prevent further disclosure of the confidential information to the public; and

(e) Petitioning attorney follows the Uniform Trial Court Rules 2.100 and 2.110 or similar county court rules for guidance on the treatment of confidential and protected Department information.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 125.012 & 410.070

Hist.: SSD 9-1996, f. & cert. ef. 10-15-96; SPD 30-2007, f. 11-27-06, cert. ef. 12-01-06; SPD 20-2010, f. 7-30-10, cert. ef. 8-1-10

411-026-0080

Estate Administration

(1) An individual who receives public assistance through the Department, who is financially incapable, and whose assets need protection, recovery, or for whom disposition of excess property is needed to maintain eligibility for services or benefits, may be referred to the Department's Estate Administration Unit for nomination of a conservator under this rule. The local office shall use forms and procedures established by the Department's Estate Administration Unit.

(2) In determining whether or not a conservatorship should be pursued, the Department's Estate Administration Unit shall consider, including but not limited to, the following factors:

(a) Whether the individual is receiving public assistance from the Department.

(b) Whether the individual is financially incapable.

(c) The cost effectiveness of pursuing a conservatorship including but not limited to:

(A) The likelihood that the assets of the conservatorship estate shall be sufficient to cover expenses and be a benefit to the client; or

(B) The ability to successfully retrieve assets that may have already been conveyed to another person or entity can be successfully retrieved.

(d) The availability of an appropriate conservator or entity to manage the financial affairs of the individual.

(3) When the individual is receiving public assistance, the Department's Estate Administration Unit shall coordinate the nomination of a conservator with the local office providing that assistance.

(4) The conservator shall be paid through the assets of the individual's estate as ordered by the court and in accordance with the Department's contract provisions where a contract has been entered into with the attorney nominated in the matter. When there are no assets from which to pay the costs of establishing or pursuing the conservatorship, the Department may pay the costs as provided through an established contract with the Department.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.070

Rule Caption: Restoration of State Funding for the Oregon Project Independence Program.

Adm. Order No.: SPD 21-2010(Temp)

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10 thru 12-28-10

Notice Publication Date:

Rules Amended: 411-032-0001

Rules Suspended: 411-032-0001(T)

Subject: Due to restored state funding for the Oregon Project Independence Program, the Department of Human Services, Seniors and People with Disabilities Division (SPD) is temporarily amending OAR 411-032-0001 to remove language relating to the elimination of state funding for the Oregon Project Independence Program effective August 1, 2010 and revert back to the original language relating to the goals of the Oregon Project Independence Program.

Rules Coordinator: Christina Hartman—(503) 945-6398

411-032-0001

Goals

The goals of Oregon Project Independence are to:

(1) Promote quality of life and independent living among seniors and people with physical disabilities;

(2) Provide preventive and long-term care services to eligible individuals to reduce the risk for institutionalization and promote self-determination;

(3) Provide services to frail and vulnerable adults who are lacking or have limited access to other long-term care services; and

(4) Optimize eligible individuals' personal and community support resources.

Stat. Auth.: ORS 410.070

Stats. Implemented: ORS 410.420

Hist.: SSD 12-1988, f. & cert. ef. 12-2-89; SDSD 9-2002(Temp), f. & cert. ef. 11-1-02 thru 4-29-03; SPD 11-2003, f. & cert. ef. 5-2-03; SPD 18-2004, f. & cert. ef. 5-28-04; SPD 29-2006, f. 10-23-06, cert. ef. 11-1-06; SPD 14-2010(Temp), f. & cert. ef. 6-30-10 thru 12-27-10; SPD 16-2010(Temp), f. & cert. ef. 7-1-10 thru 12-28-10; SPD 21-2010(T), f. & cert. ef. 7-30-10 thru 12-28-10

Department of Justice

Chapter 137

Rule Caption: Modify rules to align with ORS 147.227 and convert CFAA funds issued by DOJ/Crime Victims' Services Division to a grant application clarifying fiscal responsibilities.

Adm. Order No.: DOJ 14-2010(Temp)

Filed with Sec. of State: 7-27-2010

Certified to be Effective: 8-2-10 thru 1-28-11

Notice Publication Date:

Rules Adopted: 137-078-0041, 137-078-0051

Rules Amended: 137-078-0000, 137-078-0005, 137-078-0010, 137-078-0015, 137-078-0020, 137-078-0025, 137-078-0030, 137-078-0035, 137-078-0040, 137-078-0045, 137-078-0050

Subject: To incorporate changes made to ORS 147.227 in the 2009-2011 legislative session.

Modify process by which the Department of Justice administers funding to the District Attorney (DA) offices from the Criminal Injuries Compensation Account received from the Criminal Fine and Assessment Account (CFAA) into a formalized grant application and reporting system to align with the issuance of funding by the Department of Justice.

To clarify fiscal responsibilities of fund recipients for better expenditure accountability.

To clarify use of funds not expended in the fiscal year issued.

Temporary rule is needed in order to adjust the reporting and granting dates from August 1 to July 1 in alignment with the state fiscal year. Temporary rule will allow DOJ to move forward with the action in 2010 instead of waiting another year.

Rules Coordinator: Carol Riches—(503) 947-4700

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137-078-0000

Purpose

ORS 147.227 et seq (“the Act”) provides that the Attorney General or the designee shall disburse a portion of the moneys that the Criminal Injuries Compensation Account receives from the Criminal Fine and Assessment Account (“CFAA”) to counties and cities where prosecuting attorneys maintain victims’ assistance programs approved by the Attorney General. The Act also requires the Attorney General to adopt administrative rules establishing criteria for the equitable distribution of moneys disbursed under the Act. OAR 137-078-0000 through 137-078-0050 (the “Rules”) establish the criteria for the equitable distribution of moneys disbursed under the Act, and the establishment of an advisory committee to provide consultation on the distribution of the moneys.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0005

Designee

The designee of the Attorney General under the Act is the Administrator of the Oregon Department of Justice (“DOJ”) Crime Victims’ Services Division (“CVSD”), (“Administrator”).

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0010

Approval of Funding and Duration of Funding

(1) To be eligible and approved for distribution of moneys under the Act (“Fund” or “Funding”), a city or county victims’ assistance program (“Program”) must be operational at the time an application for Funding is made. A Program is operational for the purposes of this rule if at the time of application for Funding, it is providing the core services set forth in 137-078-0030.

(2) Programs which are determined to be eligible under the Act and these rules and are approved for Funding will continue to be approved for Funding indefinitely subject to the availability of Criminal Fine and Assessment Account revenues, OAR 137-078-0050 and the following:

(a) The Program shall, at the time the application for Funding is made state whether or not the approved Program will continue in operation for the then current fiscal year ending June 30. In the event the application indicates that the Program will not continue beyond June 30th of the then current fiscal year, Funding for the Program will expire on June 30th of that year. Any subsequent reactivation of a Program or initiation of a new Program will require a new application for Funding.

(b) If a Program discontinues a core services as described in OAR 137-078-0030, the Administrator may require a new approval of Funding, based upon a new Program application, in order to continue Funding of the Program. The addition of services to an approved Program does not require a new approval or new Program application for continued Funding.

(3) Program Funding will be made to approved Programs according to the criteria for equitable distribution of moneys set forth in the Act and these Rules. Program Funding will commence at the beginning of the fiscal year in which application for Funding is made, and will continue for a one or two year period immediately following execution of the Grant agreement for Funding by the Administrator. Funds will be distributed on a quarterly basis or as determined by the Administrator.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0015

Distribution of Funds

(1) The Administrator, or designee during periods of absence or unavailability, is authorized to interpret and apply the criteria for the equitable distribution of moneys disbursed under the Act and these rules. The Administrator, after consultation with the advisory committee established under these Rules (the “Committee”), shall make decisions concerning eligibility of Programs for Funding. The Administrator is also authorized, after consultation with the Committee, to make all other decisions concerning distribution of moneys to counties and cities, including but not limited to, denial of Funding, conditional allocation of Funding when neces-

sary to establish eligibility for Funding, notices and time limits for applications, acceptance of Funding terms, conditions and reports, method of review and role of the Committee, and reallocation of moneys not applied for or disbursed by Programs.

(2) The criteria for the equitable distribution of moneys disbursed under the Act and these Rules to Programs (the “Formula”) is based upon a model which considers historic county Program allocation methodologies as it’s basis along with the following criteria:

(a) The amount of Funding shall reflect consideration of county per capita population, county crime rates and other similar criteria.

(b) The Formula established for counties will be applied to cities, and be adjusted as necessary to reflect the current percentage of the total of Program Funding the counties have received under the current allocation per 137-078-0010(2)(a). New city Programs will only be approved for Funding after consultation with the Committee and after a memorandum of understanding (MOU) between the County and City programs has been executed. The financial impact and Funding considerations associated with adding a new city Program will be considered in the context of ORS 147.227(2)(c) which requires service priority to victims of serious crimes against persons.

(3) The Formula may be revised periodically by the Administrator, following consultation with the Committee to reflect statistical updates relating to the criteria reflected in the formula, and the amount of Criminal Fine and Assessment Account revenues provided to CVSD’s Criminal Injuries Compensation Account.

(4) Distribution of moneys to Programs and the conditions relating thereto, including availability of monies available for Funding, shall be described in a grant award notification letter agreement established by the Administrator (“Grant”). The Grant shall incorporate by reference the requirements of the Act and these Rules, and such other terms and conditions which apply. If a Program elects to accept Funding based on the terms and conditions set forth in the Grant, an authorized representative of the Program shall sign the Grant in the manner provided therein, and return an original signed Grant to the Administrator within the timeframe established in the Grant. Upon receipt of the signed Grant, the Administrator shall distribute funds to the county or city upon the terms contained in the Grant.

(5) In the event the Administrator, after review of a Program, or otherwise, discovers non-compliance by a city or county with the terms of the Grant, Funds which were allocated to a non-compliant city or county may be reallocated to eligible cities or counties. This will occur by applying the Formula which is applicable to the city or county, to the monies which were originally allocated to the non-compliant Program. A reallocation of Funding shall thereafter be made to Programs which are in compliance with their respective Grants or held in reserve by the Administrator for future Grant allocations. The reallocation of funds derived from the non-compliant Program shall be made in the form of an Amended Award of Funding in the same manner as an initial award of Funding pursuant to a Grant.

(6) In the event Funds have already been disbursed to a Program which is or has been in non-compliance with the terms of the Grant, the Administrator, may adjust or reduce a Program’s allocation in future fiscal years to take into account the Program non-compliance.

(7) If a Program does not expend all of its allocated Funds for the period of time described in the Grant, upon request of the Administrator, the Program shall explain to the satisfaction of the Administrator why the Grant monies were not expended and how those monies will be incorporated into the next year’s Program. If the Administrator finds that the failure to expend all of the previously allocated funds was due to circumstances beyond the reasonable control of the Program, the Administrator may permit a Program to retain some or all the funds for use in a subsequent Grant.

(8) Any Program which has unexpended monies pursuant to a fully executed Grant (including an Amended Award of Funding), and which elects to file an objection to a notice of its alleged non-compliance under these rules, shall retain said monies until such time as the filed objection is resolved by the Administrator in favor of the Program. In the event the objection is not resolved in favor of the Program, the Program shall immediately return the monies to CVSD.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0020

Conditional Approvals

(1) Conditional Approval” means Grant approval under circumstances in which the application establishes to the satisfaction of the Administrator that it would not be practicable at time of application for the Program to ini-

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tiate or maintain a Program which provides all of the core services described in the Act and these rules.

(2) Applications for Conditional Approval shall set forth a time table for implementation of all core services required under the Act and these rules that cannot be provided at the beginning of the funding period.

(3) Conditional Approvals shall include the condition that continued approval is contingent upon complete implementation of additional services within an agreed to timetable, and that temporary approval for subsequent years will be contingent upon the addition of services and approval of the Administrator.

Stat. Auth.: ORS 147
Stats. Implemented: ORS 147.227
Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0025

Application Process

The application for Program approval shall be made upon documents or a web-based grant application system supplied by CVSD.

Stat. Auth.: ORS 147
Stats. Implemented: ORS 147.227
Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0030

Program Content: Core Services

The Program shall provide core services to victims of all types of crime, with particular emphasis on serious crimes against persons. The core services shall be coordinated with available community and government based programs that serve crime victims within the jurisdiction of the City of County Program, in order to maximize benefits to crime victims. The core service categories are as follows:

(1) Service Category: Victims' Rights Notification: "Inform victims, as soon as practicable, of the rights granted to victims under Oregon law;"

(a) Service Definition: Establish a written procedure for notification to crime victims of their rights in Oregon.

(b) Specific Service: Provide notice to victims of crime about their rights as a crime victim as soon as practicable including providing information about specific rights which must be requested to become rights, and provide access to information about how to remedy situations where crime victim notification rights are not honored.

(2) Service Category: "Ensure that victims are informed, upon request, of the status of the criminal case involving the victim;"

(a) Service Definition: Establish a written procedure for notification to crime victims of any critical stages* of the criminal case as defined in ORS 147.500(5).

(b) Specific Services: Upon crime victim request inform crime victims in advance of any critical stage of the proceeding.

(3) Service Category: Advocate for victims of serious person crimes as they move through the criminal justice system and advocate, when requested, for all other victims of crime "

(a) Service Definition: Establish written procedures on providing "advocacy" which is defined as the act of assisting crime victims and family members through the aftermath of a crime, ensuring their rights are honored within the criminal justice system.

(b) Specific Services: Advocacy for the purposes of these rules includes advocacy of the core services outlined in the approved Program application as well as acting as a liaison in locating and utilizing resources to improve the crime victims' emotional and mental health.

(4) Service Category: "Assist victims in preparing restitution documentation for purposes of obtaining a restitution order":

(a) Service Definition: Establish a written procedure for assistance to crime victims in obtaining restitution or compensation for medical or other expenses incurred as a result of the criminal act;

(b) Specific Service:

(A) Identify and contact crime victims who have sustained monetary losses and obtain verification of those losses (estimates of damage, salary verification, etc.);

(B) Make available to the Prosecuting Attorney and courts documentation of losses incurred by the crime victims;

(C) Assist crime victims when it is necessary for them to attend a restitution hearing;

(D) Assist crime victims who inform the Program of non-receipt of restitution payments by providing referral to persons who may assist the crime victim in obtaining a remedy for a violation of crime victims' right;

(5) Service Category: "Prepare victims for court hearings by informing them of procedures involved":

(a) Service Definition: Establish a written procedure to prepare crime victims for the various court stages through which a case progresses;

(b) Specific Service: Prepare crime victims, when practicable, either by written or oral communication, of the various court procedures through which a case progresses (grand jury, arraignment, plea trial, etc.).

(6) Service Category: "Accompany victims to court hearings when practicable and requested":

(a) Service Definition: Establish a written procedure to describe the circumstances under which crime victims may be accompanied to court hearings by Program personnel, consistent with the purpose of providing support and information when deemed necessary or upon request. The procedure shall define when this service is not practicable.

(b) Specific Service:

(A) Upon request or when deemed necessary by the Program staff, arrange for advocate(s) to accompany crime victims to court;

(B) When possible, advocates who accompany crime victims to court will remain with crime victims throughout their court appearances.

(7) Service Category: "Involve victims when practicable or legally required in the decision-making process in the criminal justice system":

(a) Service Definition: Establish a written procedure for crime victims' input into the decision-making process, both at the prosecutorial and the judicial level;

(b) Specific Service:

(A) Involve the crime victims in the sentencing process, including appearances at sentencing hearings, making the court aware of the victim's presence, and facilitating the crime victim's involvement in the preparation of pre-sentence reports and the "Victim Impact Statement";

(B) Upon the crime victims' request, and to the extent practicable, insure consultation with crime victims of violent felonies regarding the plea discussions before final plea agreements are made.

(8) Service Category: "Inform victims of the processes necessary to request the return of property held as evidence":

(a) Service Definition: Establish a written procedure to inform crime victims and all family members of deceased crime victims of the process for the return of property held as evidence;

(b) Specific Service:

(A) Refer crime victims to those criminal justice authorities responsible for the return of property held as evidence;

(B) Intercede on behalf of crime victims with those criminal justice authorities responsible for the return of property in order to obtain the early release of victims' property when necessary;

(9) Service Category: "Assisting victims with the logistics related to court appearances when practicable and requested":

(a) Service Definition: Establish a written procedure to assist victims facing logistical barriers to appearing in court;

(b) Specific Service:

(A) Assist crime victims in arranging for the provision of temporary child care when appropriate;

(B) Upon request, arrange for transportation of crime victims when deemed necessary for their participation in the criminal justice proceedings;

(C) Upon request, intercede with an employer on the crime victims' behalf where the need for court appearance has caused, or will cause, an employed person to lose time from work and possibly jeopardize his/her employment in compliance with ORS 659A.272.

(10) Service Category: "Assist victims of crimes in the preparing and submitting Crime Victims' Compensation Program ("CVCP") claims to DOJ under the Act":

(a) Service Definition: Establish a written procedure for notification to crime victims and relatives of deceased victims of compensable crimes under the Act of the existence of the CVCP. When requested, or determined to be necessary by CVSD, assist crime victims in collecting required documentation, completing and submitting CVCP applications.

(b) Specific Service:

(A) Notify crime victims of the existence of the CVCP and provide an explanation of available benefits by providing crime victims and relatives with an informational brochure and an application form;

(B) When requested, assist crime victims and relatives, who are not able to do so independently, in gathering information and completing their applications in order to submit a claim for compensation under ORS 147.005 to 147.365.

(C) Upon request, inquire as to the claim status and payments with the CVCP.

(11) Service Category: "Encourage and facilitate victims' testimony:

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(a) Service Definitions: To develop practices to address the interests, needs, and safety of crime victims in order to encourage and facilitate crime victims' testimony;

(b) Specific Service:

(A) Orient personnel of the criminal justice system, who will or may have contact with crime victims, to the needs of crime victims in general and in special circumstances, to the needs of particular crime victims;

(B) Provide a safe waiting area separated from the defendant, defendant's family and friends;

(C) Notify the appropriate law enforcement agency if protection of the crime victim is requested or deemed necessary by staff;

(D) When deemed necessary, advise the proper authorities of the need to include no contact provision with the crime victim as a condition of a release agreement and order and sentencing judgment;

(E) In those cases where tampering with or harassment of a crime victim occurs, encourage prosecutors to file proper charges and to give the charges priority in prosecutorial charging decisions;

(F) When hearings are cancelled, insure that a procedure exists to notify crime victims who have been requested or subpoenaed to appear, that the hearing has been cancelled, and that the victims' appearance has been excused, or continued to a future date, as the case may be;

(G) The services listed above may be provided to a witness to a crime, as deemed necessary or appropriate by CVSD in circumstances where the witness has been traumatized by the crime.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0035

Maintenance and Retention of Records

The Program shall maintain accurate, complete, orderly, and separate records. All records and documents must be adequately stored and protected from fire, electronic disclosure, and other damage. All record books, documents, and records related to the program must be accessible to the Administrator or his or her designee for inspection and audit. The accounting system shall insure that CFAA funds are not commingled with funds from any other source. Funds specifically budgeted for/or received in connection with one grant may not be used to fund another grant. Revenues and expenditures for each grant shall be separately identified and tracked within the grantee's accounting system or records. In the event a grantee's accounting system cannot comply with this requirement, the grantee shall establish a system to provide adequate fund accountability for each grant awarded. Any carryover of CFAA funds shall not revert to or be transferred to the city or county's general fund or other fund. A "carryover" is defined as any unexpended monies remaining in a Program, at the end of the term of the grant for the Program.

All records must be secured and confidential and retained in accordance with the Oregon Department of Justice record retention scheduled as required in OAR 166-300-0015, 0025.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0040

Fiscal and Contracting Requirements

In addition to Program application documents, subsidiary record documentations, and source documents, e.g., invoices, time and payroll records, and cost computations are the instruments upon which expenditure of grant Funding and Program compliance will be determined. All ledger account entries must be supported by secondary or intermediate records in the original source documentation. Programs shall follow Generally Accepted Accounting Principles (GAAP) standards. Programs that do not follow GAAP standards and practices may be subject to an additional program reviews which may result in non-renewal of program approval.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 5-1983(Temp), f. & ef. 9-9-83; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0041

Allowable and Unallowable Expenses

(1) All reasonable activities and expenses that support or enhance the direct provision of the Program content areas 1-11 outlined in 137-078-0030 are allowable as outlined below:

(a) Salary and personnel expenses (benefits) for staff providing direct service to victims of crime;

(b) Contractual Services or Professional Services;

(c) Training and travel for direct victim assistance staff;

(d) Office equipment and supplies to support the Program;

(e) Administrative program costs up to but not to exceed 10% of the CFAA and Unitary Assessment ("UA") Grant Award to be used for fund and program management;

(f) Emergency Services and assistance;

(g) Travel and lodging expenses for a victim to attend legal proceedings directly related to their victimization;

(h) Operating Costs such as, but not limited to, supplies, printing, copying and postage;

(i) Other activities and expenses necessary to provide direct victim services as outlined in these Rules and as expressly approved by the CFAA/UA Fund Coordinators or Administrator;

(j) Rent;

(k) Furniture and Equipment purchases that provides or enhances direct services to crime victims;

(1) Outreach activities and coordination of community collaborations.

(2) The expenses and activities listed below are unallowable uses for CFAA/UA funds:

(a) Indirect program costs.

(b) Activities or costs that support prosecution or law enforcement functions.

(c) Crime prevention activities.

(d) Purchase of vehicles or buildings.

(e) Any other costs at the discretion of the Administrator.

(3) Penalty assessment funds which are returned to a district or city attorney under the provisions of the Act may not be used for expenses or expenditures that a district or city attorney's office would otherwise incur if it did not have a Program. The monies returned are to be exclusively used for the operation of the Program.

(4) Programs are required to be prudent in the acquisition of equipment. Careful screening should take place before purchasing equipment to be sure that the property is needed and the need cannot be met with the equipment already in the possession of the Program. Monies expended for the purchase of equipment that is already available for use within the county or city will be considered unnecessary and unallowable Program expenses.

(5)(a) Professional services may be performed under contract with the city or county, by individuals and organizations, when such services are not readily available within the Program and are clearly consistent with the intent and purposes of the Act. Employees on the Program's payroll are not eligible to provide professional services under contract with the Program;

(b) Under the Act, city and district attorneys are required to administer the Program. Administration of the Program shall serve the objective of incorporating these programs as an integral function of the prosecutor's office, to the end that there is an efficient and coordinated merger between the interests of serving the needs of the victim and the prosecution of crime. In light of this objective, no contract may be entered into which will allow the Program to be administered independently of the control and policy direction of the city or district attorney whose Program is the subject of the contracted service. Any allowable contract shall:

(A) Detail those specific services identified in the approved Program that are to be carried out by the contractor;

(B) Provide for coordination of the contractor's functions with those of the prosecutor's city or county office, including as appropriate, the services to be performed, the contractor's access to the prosecutor's records and personnel, and the exchange of such communications between the prosecutor's office and the contractor as are necessary to the ongoing performance of the contract services and the prosecutorial function;

(C) Provide that ultimate program control and policy direction not addressed in the agreement shall be retained as the responsibility of the prosecutor and that he or she shall provide timely consideration and written determination thereof; and

(D) Provide a procedure for routine review by the city or district attorney of the contractor's performance, facilitated by quarterly activity reports to be made by the contractor to the prosecutor outlining the activities and accomplishments during the report period, any problems in operation or implementation of the contracted services, and any critical observations relative to the program's operation.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

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137-078-0045

Annual Report

The Program shall submit reports as required by CVSD for each year of Funding provided by the Grant. Reports shall be submitted within 30 days of receiving instructions from the Administrator. Failure to submit reports by the due date established in the instructions may result in a suspension of funds disbursed to the Program until the reports are submitted and approved. A certification form shall also provide for verification of continued operation specified in OAR 137-078-0010(1) and verification of carryover funds.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0050

Disapproval of Program for Funding — Discontinuance of Funding

(1) The Administrator may suspend or terminate any Program for Funding that does not comply with the Act or these Rules. The Administrator may also suspend or terminate Funding because of the Program's failure to comply with the approved Program or Grant conditions. Prior to any disapproval or suspension or termination of Funding, the Administrator or his or her designee will contact the district or city attorney to assist in development of an approvable program or in correcting any deviation from applicable standards and requirements. In the case of termination of funding, 30-days advance notice will be provided by the Administrator to the district or city attorney.

(2) A district or city attorney may request reconsideration of any decision resulting in the suspension or termination of Program Funding. The process is as follows:

(a) The district or city attorney shall first request reconsideration in writing to the Administrator, detailing the reasons for disagreement with CVSD's decision. The Administrator will reconsider any decision for which request for reconsideration is received, and will notify the district or city attorney within a reasonable period of time in writing of the reconsideration decision;

(b) Any district or city attorney who requests review by the Administrator and who disagrees with the reconsideration decision may appeal to the Deputy Attorney General. Requests for the Deputy Attorney General's review shall be in writing. The Deputy Attorney General's decision will be in writing and will be final.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: JD 5-1983(Temp), f. & ef. 9-9-83; JD 1-1984, f. & ef. 3-5-84; DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

137-078-0051

Advisory Committee

(1) An Advisory Committee is established to provide consultation on the distribution of CFAA and UA monies and Grants, and the provisions of these rules.

(2) The Advisory Committee shall consist of at least the following members:

- (a) A representative of the Department of Justice;
- (b) A representative of the Oregon District Attorneys Association; and
- (c) A representative of a prosecuting attorney's victim assistance program.

Stat. Auth.: ORS 147

Stats. Implemented: ORS 147.227

Hist.: DOJ 14-2010(Temp), f. 7-27-10, cert. ef. 8-2-10 thru 1-28-11

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Department of Public Safety Standards and Training

Chapter 259

Rule Caption: Housekeeping change to include previously omitted language.

Adm. Order No.: DPSST 8-2010

Filed with Sec. of State: 8-13-2010

Certified to be Effective: 8-13-10

Notice Publication Date: 7-1-2010

Rules Amended: 259-008-0060

Subject: Includes reference to parole and probation officer certification as required by statute but previously omitted from the list in rule.

Rules Coordinator: Marilyn Lorange—(503) 378-2427

259-008-0060

Public Safety Officer Certification

(1) Basic, Intermediate, Advanced, Supervisory, Management, Executive and Instructor Certificates are awarded by the Department to law enforcement officers and telecommunications meeting prescribed standards of training, education, experience; and the levels established by the employing law enforcement units, or public or private safety agencies. Emergency medical dispatchers may be awarded basic certification only.

(2) Basic certification is mandatory and shall be acquired by all police officers, parole and probation officers, telecommunications, and emergency medical dispatchers within 18 months of employment, and by all corrections officers within one year of employment unless an extension is granted by the Department.

(3) To be eligible for the award of a certificate, law enforcement officers shall be full-time employees as defined by ORS 181.610 and OAR 259-008-0005 or part-time parole and probation officers, as described in ORS 181.610 and OAR 259-008-0066.

(4) To be eligible for the award of a certificate, law enforcement officers shall meet the Board's prescribed minimum employment standards as established by OAR 259-008-0010.

(5) To be eligible for the award of a certificate, telecommunications must meet the Board's prescribed minimum employment standards as established by OAR 259-008-0011.

(6) To be eligible for the award of a certificate, law enforcement officers shall subscribe to and swear or affirm to abide by the Criminal Justice Code of Ethics (Form F11). Telecommunicators and emergency medical dispatchers shall subscribe to and swear or affirm to abide by the Telecommunicator Code of Ethics. (Form F-11T). [Form not included. See ED. NOTE.]

(7) Application for certification must be submitted on Form F7, with all applicable sections of the form completed. The form shall be signed by the applicant. In order to insure that the applicant does or does not meet the minimum standards of employment, training, education, and experience, and is competent to hold the level of certification for which the applicant has applied, the department head or authorized representative shall sign the form recommending that the certificate be issued or withheld. If the department head chooses not to recommend the applicant's request for certification, the reason for this decision shall be specified in writing and shall accompany the Application for Certification (Form F7). [Form not included. See ED. NOTE.]

(8) When a department head is the applicant, the above recommendation shall be made by the department head's appointing authority such as the city manager or mayor, or in the case of a specialized agency, the applicant's superior. Elected department heads are authorized to sign as both applicant and department head.

(9) In addition to the requirements set forth above, each applicant, for the award of an Intermediate, Advanced, Supervisory, Management, or Executive Certificate, shall have completed the designated education and training, combined with the prescribed corrections, parole and probation, police or telecommunications experience.

(a) Each quarter credit unit granted by an accredited college or university which operates on a quarterly schedule shall equal one (1) education credit.

(b) Each semester credit unit granted by an accredited college or university operating on a semester schedule shall equal one and one half (1-1/2) education credits.

(c) The Department must receive sealed official transcripts from a college prior to entering college credit on an individual's official record.

(10) Training Points. Twenty (20) classroom hours of job-related training approved by the Department shall equal one (1) training point. (Example: 200 training hours equal 10 training points.)

(a) Basic, Intermediate, Advanced, Supervisory, Middle Management, Executive, or Specialized courses certified, sponsored, or presented by the Department shall be approved.

(b) The Department may award training points for departmental or other in-service training which is recorded and documented in the personnel files of the trainee's department. These records shall include the subject, instructor, classroom hours, date, sponsor, and location.

(c) Training completed in other states, military training, and other specialized training, if properly documented may be accepted, subject to staff evaluation and approval. These records shall include the subject, date, and classroom hours, and shall be certified true copies of the original.

(d) Upon receipt of documentation which shall include the source, syllabus, number of hours, dates and successful completion of the course,

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the Department or it's designated staff may award training points for correspondence courses.

(e) College credits earned may be counted for either training points or education credits, whichever is to the advantage of the applicant.

(f) College credit awarded based on training completed may be applied toward either training points or education credits, whichever is to the advantage of the applicant.

(A) Prior to applying an applicant's college credit toward any upper level of certification, the Department must receive documentation of the number of college credits awarded based on training attended.

(B) The training hours identified under paragraph (A) and submitted as college credit toward an upper level of certification will not be included in any calculation of whether the applicant has earned sufficient training hours to qualify for the requested certification level(s).

(i) Any college credit received for practical or skills-based training attended will be calculated at a ratio of 1:20 hours for each quarter credit, for purposes of training hour deductions.

(ii) Any college credit received for academic training attended will be calculated at a ratio of 1:10 hours for each quarter credit, for purposes of training hour deductions.

(g) Notwithstanding subsection (e) and (f) above, no credit can be applied toward both an education credit and training point when originating from the same training event.

(11) Experience/Employment:

(a) Experience acquired as a corrections, parole and probation, or police officer employed full time with municipal, county, state, or federal agencies, may be accepted if the experience is in the field in which certification is requested and is approved by the Department. For the purpose of this rule, creditable service time for experience will cease to accrue under the following circumstances:

(A) When an individual is employed in a casual, seasonal, or temporary capacity;

(B) When an individual is on "leave."

(C) Notwithstanding section (B) of this rule, a public safety professional may submit a written request for credit for military time served upon return from his or her military duty. The Department will evaluate each written request to determine whether an individual is eligible for any credit for time served.

(D) From the date a public safety professional's certification is recalled until it is reinstated by the Department;

(E) When a public safety professional fails to obtain Basic certification within a mandated timeframe and is prohibited from being employed as a public safety professional;

(b) Experience acquired as a telecommunicator or emergency medical dispatcher employed with a public or private safety agency may be accepted if the experience is in the field in which certification is requested and is approved by the Department.

(c) Experience acquired as a certified part-time telecommunicator, emergency medical dispatcher as defined in OAR 259-008-0005(12) and (32) respectively, or part time parole and probation officer, as defined under 259-008-0005(20) and (21) and 259-008-0066, shall count on a pro-rated basis.

(d) Police, corrections, parole and probation, telecommunicator, or emergency medical dispatch experience in fields other than that in which certification is requested may receive partial credit when supported by job descriptions or other documentary evidence. In all cases, experience claimed is subject to evaluation and approval by the Department.

(12) The Basic Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Basic Certificate:

(a) Applicants shall have completed a period of service of not less than nine (9) months with one or more law enforcement units, or public or private safety agencies in a certifiable position, in the field in which certification is being requested.

(b) Applicants shall have satisfactorily completed the required Basic Course in the field in which certification is requested or have completed equivalent training as determined by the Department.

(c) Applicants shall have valid first aid and cardiopulmonary resuscitation (CPR) card(s).

(13) The Intermediate Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Intermediate Certificate:

(a) Applicants shall possess a Basic Certificate in the field in which certification is requested.

(b) Applicants shall have acquired the following combinations of education and training points combined with the prescribed years of police, corrections, parole and probation or telecommunications experience, or the college degree designated combined with the prescribed years of experience: [Table not included. See ED. NOTE.]

(14) The Advanced Certificate. In addition to the requirements set forth in section (1) of this rule, the following are required for the award of the Advanced Certificate:

(a) Applicants shall possess or be eligible to possess the Intermediate Certificate in the field in which certification is requested.

(b) Applicants shall have acquired the following combinations of education and training points combined with the prescribed years of corrections, parole and probation, police, telecommunications experience, or the college degree designated combined with the prescribed years of experience: [Table not included. See ED. NOTE.]

(15) The Supervisory Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Supervisory Certificate:

(a) Applicants shall possess or be eligible to possess the Advanced Certificate in the field in which certification is requested.

(b) Applicants shall have satisfactorily completed no less than 45 education credits as defined in section (10) of this rule.

(c) Applicants shall have satisfactorily completed the prescribed Supervision Course or an equivalent number of hours of Department approved supervisory level training within five (5) years prior to application for the Supervisory Certificate.

(d) Applicants shall be presently employed in, or have satisfactorily performed the duties associated with the position of a first level supervisor, as defined in ORS 181.610 and OAR 259-008-0005(16), as attested to by the applicant's department head during the time such duties were performed, for a period of one (1) year. The required experience shall have been acquired within five (5) years prior to the date of application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, supervisory duties.

(16) The Management Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Management Certificate:

(a) Applicants shall possess or be eligible to possess the Supervisory Certificate in the field in which certification is requested.

(b) Applicants shall have satisfactorily completed no less than 90 education credits as defined in section (10) of this rule.

(c) Applicants shall have satisfactorily completed the prescribed Middle Management Course or an equivalent number of hours of Department approved management level training within five (5) years prior to application for the Management Certificate.

(d) Applicants shall be presently employed in, and shall have served satisfactorily in a Middle Management position, as an Assistant Department Head, or as a Department Head as defined in ORS 181.610 and OAR 259-008-0005, for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular basis, management duties.

(17) The Executive Certificate. In addition to requirements set forth in section (1) of this rule, the following are required for the award of the Executive Certificate:

(a) Applicants shall possess or be eligible to possess the Management Certificate in the field in which certification is requested.

(b) Applicants shall have satisfactorily completed no less than 90 education credits as defined in section (10) of this rule.

(c) Applicants shall have satisfactorily completed 100 hours of Department approved executive level training within five (5) years prior to application for the Executive Certificate.

(d) Applicants shall be presently employed in, and shall have served satisfactorily in a Middle Management position, as an Assistant Department Head, or as a Department Head as defined in OAR 259-008-0005, for a period of two (2) years. The required experience must have been acquired within five (5) years prior to the date of the application.

(e) Upon request of the employing agency, the Department may waive the requirements of subsection (c) or (d) of this section, provided the employing agency demonstrates that the applicant performs, on a regular

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basis, the duties associated with that of a department head or assistant department head.

(18) Multi-discipline Certification. Upon receiving written request from the department head stating a justified and demonstrated need exists for the efficient operation of the employing agency, the Department may approve multi-discipline certification for law enforcement officers who meet all minimum employment, training and education standards established in OAR 259-008-0010, 259-008-0025, and this rule, in the disciplines which they are requesting certification. The officer must meet the following requirements for the award of multi-discipline certification:

(a) Basic certification: A law enforcement officer who is certified in one discipline may apply for multi-discipline certification, if employed in or transferred to another discipline within the same law enforcement unit. The applicant must demonstrate completion of all training requirements in the discipline in which certification is being requested.

(b) Higher levels of certification: Law enforcement officers who possess higher levels of certification in one discipline may, upon employment in or transfer to another discipline within the same law enforcement unit, apply for the same level of certification after completion of nine (9) months experience in the discipline in which they are requesting certification, and meeting the requirements for those higher levels of certification as outlined in this rule. This section does not apply to the EMD discipline since it only exists at the basic certification level.

(c) Retention of Multi-discipline certification. In order to maintain multi-discipline certification, each discipline in which certification is held requires successful completion and documentation of training hours by the holders of the certificates every twelve (12) months. The training must be reported to the Department, as follows:

(A) For a law enforcement officer who also holds EMD certification; a minimum of four (4) hours of training, specific to the EMD discipline, must be reported annually as required under OAR 259-008-0064.

(B) For a law enforcement officer who also holds Telecommunicator certification, a minimum of twelve (12) hours of training, specific to the Telecommunicator discipline, must be reported annually as required under OAR 259-008-0064.

(C) A minimum of twenty (20) hours of training, specific to each law enforcement discipline in which certification is held, must be reported annually as required under subsections (h) through (l) of this rule.

(d) The same training may be used for more than one discipline if the content is specific to each discipline. It is the responsibility of the agency head to determine if the training is appropriate for more than one discipline.

(e) The maintenance training cycle for law enforcement officers who are certified in more than one discipline begins on July 1st of each year and ends on June 30th the following year.

(f) The employing agency must maintain documentation of all required maintenance training completed.

(g) If reported on an F-6 Course Roster, required maintenance training must be submitted to the Department by June 30th of each year. Training reported on an F-6 will result in credit for training hours. No training hours will be added to a law enforcement officer's record, unless accompanied by an F-6 Course Roster.

(h) On or after July 1 of each year, the Department will identify all law enforcement officers who are deficient in maintenance training according to Department records and provide notification to the individual and his/her employing agency.

(i) Within 30 days of receipt of the notification in (h) above, the agency or individual must:

(A) Notify the Department of the training status of any law enforcement officer identified as deficient in submitting a Form F-15M or F-15T to the Department; and

(B) Submit an F-15M, or F-15T if multi-discipline includes certification as a telecommunicator or emergency medical dispatcher, identifying the maintenance training completed during the previous one (1) year reporting period.

(C) Maintenance training hours reported to the Department on an F-15M or F-15T will be used solely to verify completion of maintenance training requirements and will not be added to an officer's DPSST training record.

(j) Failure to notify the Department of completion of any required training for individuals with identified training deficiencies will result in a notification of recall letter being sent to the agency head and the officer.

(k) The Department will recall a law enforcement officer's certification for:

(A) Failure to complete or report any required maintenance training identified in section (c) above on or before June 30th of each year; or

(B) Failure to submit a Form F-15M or F-15T within 30 days after a warning notification letter has been sent.

(l) A law enforcement officer with a recalled certification is prohibited from being employed in any position that has been recalled.

(m) Upon documentation of compliance with subsection (i) of this rule, a law enforcement officer may reapply for single or multi-discipline certification as outlined by this rule.

(19) Certificates Are Property of Department. Certificates and awards are the property of the Department, and the Department shall have the power to revoke or recall any certificate or award as provided in the Act.

[ED. NOTE: Forms & Tables referenced are available from the agency.]

Stat. Auth.: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654, 181.655
Stats. Implemented: ORS 181.640, 181.644, 181.651, 181.652, 181.653, 181.654 & 181.655
Hist.: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 1-1995, f. & cert. ef. 3-30-95, PS 2-1995, f. & cert. ef. 9-27-95; PS 7-1997, f. 3-20-97, cert. ef. 3-25-97; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 1-1999, f. & cert. ef. 3-9-99; BPSST 6-1999, f. & cert. ef. 7-29-99; BPSST 11-2000, f. 11-13-00, cert. ef. 11-15-00; BPSST 13-2001(Temp), f. & cert. ef. 10-26-01 thru 4-10-02; BPSST 8-2002, f. & cert. ef. 4-3-02; BPSST 21-2002, f. & cert. ef. 11-21-02; DPSST 1-2004, f. 1-16-04, cert. ef. 1-20-04; DPSST 5-2004, f. & cert. ef. 4-23-04; DPSST 2-2008, f. & cert. ef. 1-15-08; DPSST 9-2008, f. & cert. ef. 7-15-08; DPSST 22-2008, f. & cert. ef. 12-29-08; DPSST 4-2009, f. & cert. ef. 4-8-09; BPSST 1-2010, f. & cert. ef. 1-11-10; DPSST 2-2010, f. & cert. ef. 3-15-10; DPSST 4-2010, f. & cert. ef. 6-2-10; DPSST 7-2010, f. 7-15-10, cert. ef. 8-1-10; DPSST 8-2010, f. & cert. ef. 8-13-10

Department of Revenue Chapter 150

Rule Caption: Inheritance Tax Natural Resource Credit; Capital loss carrybacks; Farm capital Gain; Information Returns.

Adm. Order No.: REV 8-2010

Filed with Sec. of State: 7-23-2010

Certified to be Effective: 7-31-10

Notice Publication Date: 6-1-2010

Rules Adopted: 150-118.NOTE, 150-317.063

Rules Amended: 150-118.140, 150-118.160-(B), 150-314.360, 150-317.013

Rules Repealed: 150-118.NOTE(T)

Rules Ren. & Amend: 150-316.216 to 150-316.223

Subject: 150-118.NOTE explains the procedure for filing claims for refund of inheritance tax paid on natural resource property as provided in 2010 Oregon Laws chapter 107 (HB 3696). Sections 86 and 87 direct the Department of Revenue to adopt rules that explain how claims for refund may be filed with the department.

150-118.140 explains how and when additional tax is reported when a person disposes of property for which an estate claimed a natural resource property tax credit against Oregon inheritance tax.

150-118.160-(B) is amended to delete language that states an Oregon inheritance tax return is not required unless a federal return is required, as the rule language does not reflect statutory changes.

150-314.360 specifies the requirements for electronic submission of information returns to the department.

150-317.013 clarifies that corporations are required to carry back capital losses.

150-317.063 clarifies definitions and requirements related to claiming a reduced rate of tax on certain dispositions of farm capital gain property.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-118.NOTE

Natural Resource Property Inheritance Tax Refund

(1) Application for refund of inheritance tax authorized by 2010 Oregon Laws, chapter 107 must be made on a form prescribed by the department.

(2) Refund applications must be postmarked by the later of the following:

(a) December 31, 2010; or

(b) The expiration of the statute of limitations period described in ORS 118.227.

Stat. Auth.: ORS 305.100 & 2010 OL Ch.107

Stats. Implemented: 2010 OL Ch. 107

Hist.: REV 6-2010(Temp), f. & cert. ef. 5-7-10 thru 9-30-10; REV 8-2010, f. 7-23-10, cert. ef. 7-31-10

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150-118.140

Inheritance Tax Credit for Natural Resource or Commercial Fishing Property

(1) Definitions. The following definitions apply for purposes of ORS 118.140 and this rule:

(a) "Active Management" is defined by Internal Revenue Code (IRC) Section 2032A(e)(12) and means the making of the management decisions of a business (other than the daily operating decisions). Treasury Regulations 20.2032A-3(e) through (g) provide additional examples of active management.

(b) "Adjusted gross estate" means the value of the gross estate reduced by the sum of the amounts allowable as a deduction under either IRC sections 2053 or 2054, or both. The amount is determined on the basis of the facts and circumstances in existence on the date (including extensions) for filing the return of tax imposed by chapter 118 (or, if earlier, the date on which the return is filed).

(c) "Cessation of qualified use" means the natural resource property or fishing business property use has changed and the property no longer qualifies as natural resource property or fishing business property.

(d) "Current assets" means the sum of cash and cash equivalents, accounts receivable, inventory, marketable securities, prepaid expenses and other assets of the qualified natural resource business that can be converted to cash within one year. Current assets do not include assets not used in the qualified natural resource business, long-term assets such as capital or sinking funds, or personal assets.

(e) "Current liabilities" means the sum of all money owed to the qualified natural resource business that is required to be paid within one year.

(f) "Disposition of property" means to sell, exchange, or otherwise dispose of natural resource property or fishing business property that was used to compute the natural resource credit, if such disposition results in the property no longer qualifying for the credit.

(g) "Domestic partner" means an individual who has entered into a domestic partnership as defined in the Oregon Family Fairness Act; Chapter 99, Oregon Laws 2007 (notes following ORS 106.990).

(h) "Member of family" means, with respect to a decedent:

(A) An ancestor of the decedent;

(B) The spouse or domestic partner of the decedent;

(C) A lineal descendant of the decedent, of the decedent's spouse or domestic partner, or of a parent of the decedent, or

(D) The spouse or domestic partner of any lineal descendant described in paragraph (C). For purposes of the preceding sentence, a legally adopted child of an individual is treated as the child of such individual by blood.

(i) "Working capital" means current assets less current liabilities.

(j) "Working capital of a farm, natural resource-based business or fishing business" means working capital in an amount that represents the funds needed to operate the business annually.

(2) Federal Elections Binding for Oregon. Because ORS 118.007 ties Oregon inheritance tax law to the Internal Revenue Code (IRC) as it existed on December 31, 2000, elections that were available on December 31, 2000, and that are made for federal estate tax purposes are binding for Oregon inheritance tax purposes unless specifically provided otherwise by statute or rule. Property that is excluded from the estate due to claiming a marital deduction under IRC §2056 cannot be included in the Oregon estate in order to claim a tax credit under this section.

Example 1: Edwina passed away on July 1, 2007; her husband survives her. The value of her gross estate is \$8,000,000, made up entirely of natural resource property. For federal estate tax purposes, the estate elects a marital deduction of \$6,000,000. The unified credit offsets tax otherwise due on the balance of the estate, \$2,000,000, and there is no federal tax due. For Oregon purposes, the \$6,000,000 marital deduction election applies. In addition, the estate may elect to establish a Special Oregon Marital property trust as provided in ORS 118.016 to shelter \$1,000,000 of the value of the estate (the difference between the \$1,000,000 Oregon taxable estate and the \$2,000,000 federal taxable estate). Alternatively, the estate may use any portion of the \$2,000,000 in value to claim a natural resource credit against tax imposed on the estate.

(3) Active Management by a Member of Family. If natural resource property or a commercial fishing business is owned indirectly by the decedent or a member of the family, the following requirements must be met to qualify for a credit under ORS 118.140:

(a) At least one member of the family must engage in active management of the natural resource property or commercial fishing business after the transfer.

(A) The determination of whether active management occurs is factual, and the requirement can be met even though no self-employment tax is payable by the member of the family with respect to income derived from the farm or other trade or business operation.

(B) Among the farming activities, various combinations of which constitute active management, are inspecting growing crops, reviewing and approving annual crop plans in advance of planting, making a substantial number of the management decisions of the business operation, and approving expenditures for other than nominal operating expenses in advance of the time the amounts are expended.

(C) Examples of active management decisions are what crops to plant or how many cattle to raise, what fields to leave fallow, where and when to market crops and other business products, how to finance business operations, and what capital expenditures the trade or business should make.

(b) An otherwise qualifying natural resource property or commercial fishing business qualifies for the credit without active management if it is the subject of a net cash lease or percentage lease from the decedent or a member of the decedent's family.

(c) The property also qualifies for the credit if it is held in trust for a member of the family or if the property is transferred directly to a member of the family.

(d) If an indirect interest is held in trust for a member of the family, it qualifies as long as a member of the family is engaged in the active management of the business.

(e) The trustee does not have to be engaged in active management if these requirements are met.

(4) Prior Use Requirement.

(a) An estate that otherwise qualifies for the commercial fishing business property credit is not required to meet the aggregate use period of five out of eight years ending on the date of the decedent's death.

(b) Active management of the natural resource property is not a requirement prior to death.

Example 2: Kelly died on April 3, 2007. Kelly owned and operated Kelly's Fishing Boat business starting in February 2005. The estate files the tax return with the department on June 17, 2008, claiming the commercial fishing business credit, and pays the inheritance tax due. The estate may claim the commercial fishing business credit providing all other requirements to qualify for the credit are met.

(5) Future Use Requirement. In order for the estate to meet the requirements of ORS 118.140(7)(a) the following apply.

(a) Cash and like cash assets that are included in the credit calculation as working capital must be spent on the operation of the business either during the year of death or any of the eight calendar years following the decedent's death. Current assets remaining unspent on January 1 of the ninth calendar year following the decedent's death are subject to recapture of tax under ORS 118.140(7)(a).

(b) Payment of federal estate taxes or state inheritance taxes is not considered to be an expense incurred in operation of the natural resource business. Thus, use of cash or other assets to pay those taxes results in recapture of the credit to the extent the cash or asset was used as the basis for the credit.

Example 3: The Smith estate claimed a credit in 2007 based on farming assets worth \$1,000,000. In 2009, the estate sold a combine for \$100,000 to pay additional federal estate tax resulting from an audit. Sale of the combine results in recapture of the tax credit because the combine was not used in the farming business for 5 of the 8 years following the decedent's death.

(6) Claiming a Partial Credit. In determining whether the value of the credit property is at least 50 percent of the total estate, all of the eligible property must be considered, regardless of an election to claim only a partial credit under ORS 118.140(2)(b)(C).

(7) Working Capital. The determination of whether an amount qualifies as "working capital of a farm, natural resource-based business or fishing business" is based on the facts and circumstances existing at the decedent's death. However, the department will presume that working capital that does not exceed the highest amount of working capital present at any time during the five years prior to the year of the date of death qualifies as "working capital of a farm, natural resource-based business or fishing business." This presumption may be overcome by the facts in a particular case, including, but not limited to, the growth rate of the business, the length of the business cycle or the proximity of the date of death to the harvest date.

(8) Interest and Penalty. The department will not charge penalty or interest if an estate claims a natural resource property or commercial fishing business property credit or if the estate is directly affected by the changes made to ORS 118.140 by chapter 28, Oregon Laws 2008 and the return is filed and tax is paid before September 1, 2008. This provision applies to estates of decedents dying on or after January 1, 2007, and before December 1, 2007.

Example 4: John died on June 23, 2007. The regular due date of the inheritance tax return is March 23, 2008. The estate files the return with the department on August 29, 2008, claiming the natural resource credit, and pays the inheritance tax due. Because the return is filed and the tax is paid before September 1, 2008, the interest and penalty which would otherwise result from late filing and late payment is cancelled.

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(9) Disposition or Disqualified Property. Upon the disposition or cessation of use of natural resource property or fishing business property for which the estate claimed a natural resource credit, additional inheritance tax becomes due. The additional inheritance tax is due and payable within six months after the date of the disposition or cessation of use occurs and must be reported on a form prescribed by the department.

(10) Interest and penalties under ORS 118.260 apply for a failure to file the return or failure to pay the tax on or before the due date prescribed in section (9).

Stat. Auth.: ORS 305.100 & 118.140
Stats. Implemented: ORS 118.140
Hist.: REV 4-2008(Temp), f. & cert. ef. 5-23-08 thru 11-17-08; REV 13-2008, f. & cert. ef. 11-3-08; REV 8-2010, f. 7-23-10, cert. ef. 7-31-10

150-118.160-(B)

Inheritance Tax Return; Extension of Time to File

(1) This rule is effective July 31, 2010 and applies to estates of decedents dying on or after January 1, 2003.

(2) The executor shall, not more than nine months after the date of the decedent's death, file with the Department an inheritance tax return, Form IT-1. A complete copy of the federal estate tax return and schedules must be filed with the Oregon Form IT-1. If the estate is not required to file a federal estate tax return, the executor must prepare a federal estate tax return and schedules reflecting federal estate tax law in effect December 31, 2000 and file that return and schedules with the Oregon inheritance tax return.

(3) If the executor cannot file a return within nine months, the Department may allow additional time, usually not to exceed six months, to file the return. A copy of the federal extension request must be attached to the front of the Oregon return when filed and will serve as evidence of a granted extension by the Department.

(4) If the Internal Revenue Service denies the extension request, but grants a period of time from the date of denial in which to file the federal return without imposition of delinquency charges, the Department will not impose delinquency charges if the Oregon return is received by the Department within one month from the last date on which the Internal Revenue Service would accept the federal return without imposition of delinquency charges. A copy of the denied extension request must be attached to the front of the Oregon return at the time of filing.

(5) An extension of time to file does not relieve the estate from the five percent penalty for failure to pay the tax on or before the original due date. Interest accrues during the extension period.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 118.160
Hist.: TC 9-1978, f. 12-5-78, cert. ef. 12-31-78, Renumbered from 150-188.160(2); RD 15-1987, f. 12-10-87 cert. ef. 12-31-87; RD 4-1997, f. 9-12-97, cert. ef. 12-31-97; REV 1-2010(Temp), f. & cert. ef. 2-19-10 thru 7-31-10; REV 8-2010, f. 7-23-10, cert. ef. 7-31-10

150-314.360

Information Returns

(1) Information returns are required to be filed electronically with the department as set forth in section (3) of this rule and using federal due dates. For purposes of this rule, information returns required to be filed electronically include:

- (a) 1099-MISC *Miscellaneous Income*;
- (b) 1099-G *Certain Government Payments*;
- (c) 1099-R *Distributions from Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, etc.*
- (d) W-2-G *Certain Gambling Winnings*
- (2) Exceptions for Salaries and Wages. See ORS 316.202 and related rules.

(3) Information returns listed in section (1) of this rule, where the recipient, winner, or the payer has an Oregon address must be filed electronically as follows:

- (a) For payers that issue 250 or more of any one type of information return, electronic filing begins with 2011 forms due in 2012.
- (b) For payers that issue 100 or more but less than 250 of any one type of information return, electronic filing begins with 2012 forms due in 2013.
- (c) For payers that issue more than 10 but less than 100 of any one type of information return, electronic filing begins with 2013 forms due in 2014.

(4) The department may grant an exception to this filing requirement upon a showing of undue hardship. Undue hardship is based on the facts and circumstances specific to each payer and determined on a case-by-case basis.

Stat. Auth.: ORS 305.100, 314.360
Stats. Implemented: ORS 314.360
Hist.: 1958-59; 12-70; 12-19-75; RD 10-1986, f. & cert. ef. 12-31-86; RD 15-1987, f. 12-10-87, cert. ef. 12-31-87; RD 11-1988, f. 12-19-88, cert. ef. 12-31-88, Renumbered to 150-

314.360; RD 7-1989, f. 12-18-89, cert. ef. 12-31-89; RD 12-1990, f. 12-20-90, cert. ef. 12-31-90; RD 7-1993, f. 12-30-93, cert. ef. 12-31-93; RD 5-1994, f. 12-15-94, cert. ef. 12-31-94; REV 8-2010, f. 7-23-10, cert. ef. 7-31-10

150-316.223

Nonresident Alternate Filing

(1) Out-of-state employers may elect an alternate method of filing, reporting or calculating tax liability for payroll earned in Oregon by nonresident employees for a payroll period not to exceed 200 days in one calendar year.

(2) Notice of election of alternative method shall be given on Oregon Department of Revenue form, Application for Alternative Filing Method for Temporary Employers, available from Oregon Department of Revenue, 955 Center Street, NE, Salem OR 97310.

(3) The Oregon Department of Revenue shall furnish the employer with Oregon Withholding Tax forms and instructions for filing and paying tax. The employer shall remit payment(s) and file completed Oregon quarterly combined tax reports as required by ORS 316.168 and 316.197.

(4) An employer electing the alternative method of withholding shall notify its employees of such election at the time withholding is made.

(5) If a qualifying nonresident employee files a personal income tax return under the allowed alternative method, the return also serves as a closing agreement. The amount of withholding is considered to be the amount of income tax owing for the tax year and is not subject to change by the taxpayer or the department unless it is determined that the taxpayer was not a "qualifying nonresident employee" while working for the nonresident employer.

(6) A nonresident employee who is working for an out-of-state employer which elects the alternative method under this rule, may elect to report and pay personal income tax on income earned by the employee in connection with the employee's performance of temporary services within this state in the same manner as any other nonresident.

Stat. Auth.: ORS 305.100
Stats. Implemented: ORS 316.216
Hist.: RD 11-1985, f. 12-26-85, cert. ef. 12-31-85; RD 7-1989, f. 12-18-89, cert. ef. 12-31-89, Renumbered from 150-316.857; RD 7-1991, f. 12-30-91, cert. ef. 12-31-91; RD 5-1993, f. 12-30-93, cert. ef. 12-31-93; Renumbered from 150-316.216, REV 8-2010, f. 7-23-10, cert. ef. 7-31-10

150-317.013

Capital Losses — Carrybacks and Carry-overs

(1) This rule is effective July 31, 2010 and is applicable to all tax years beginning on or after January 1, 1986 that are open to examination.

(2) Federal law applies to capital losses occurring in tax years beginning on or after January 1, 1986.

(a) Capital losses are deducted to the extent of capital gains in the same tax year.

(b) Capital losses in excess of capital gains must be carried back three tax years. Capital losses that do not fully offset capital gains for a year to which the losses are carried back may be carried forward for up to five tax years after the tax year in which the capital losses were incurred. (c) Capital loss carrybacks and carryovers can only be used to reduce capital gains in the tax years to which they are carried.

(d) A capital loss carryback cannot be used to create or increase a net loss in the tax year to which it is carried.

(e) If a capital loss is not carried to tax years in the order provided in subsections (1)(b) through (1)(d), the amount of net capital loss that should have been utilized to decrease capital gain net income cannot be used to offset capital gains in other taxable years.

(3) Oregon provisions, such as the requirement that corporations be unitary to be included in the consolidated Oregon return and the apportionment provisions, may result in differences between the Oregon and federal capital loss deductions and carryovers. (a) Capital losses in excess of capital gains in tax years beginning prior to January 1, 1986, cannot be carried forward since those losses were deductible in full in the tax year they occurred.

(b) When a corporation or consolidated group of corporations is taxable within and without this state, its Oregon net capital loss carryback and carryover must be computed using the apportionment provisions. The Oregon capital loss is computed using the apportionment factor for the tax year of the loss. The capital loss is applied to the Oregon capital gains for the year of carryback or carryover. Oregon capital gains are computed using the apportionment factor for the tax year of the gain.

Example 1: Corporation X has a federal net capital loss of \$3,000 for 2009. X's apportionment factor for 2009 is 40 percent. In 2006, X had a federal net capital gain of \$1,000 and its Oregon apportionment factor was 50 percent. X has a \$1,200 (\$3000 x 40 percent) Oregon net capital loss available for carryback to 2006. X will deduct \$500 (\$1000 x 50 percent) on the 2006 return and must carry the remaining \$700 forward to other tax years.

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(c) Oregon net capital losses that are attributed to corporations that continue to be included in the same consolidated Oregon return may be deducted fully against the Oregon consolidated net capital gain of the tax years to which such losses are carried. Example 2: Corporations X and Y filed a consolidated Oregon return in 2009 reporting a net capital loss of \$5,000 that is attributable to Y. The consolidated apportionment factor for 2009 is 40 percent. In 2006, X and Y filed a consolidated Oregon return reporting a net capital gain of \$10,000 attributable to X. The consolidated Oregon apportionment factor in 2006 was 25 percent. The Oregon capital loss carryback of \$2,000 (\$5,000 x 40 percent) from 2009 is fully deductible in 2006 because it does not exceed the Oregon consolidated net capital gain of \$2,500 (\$10,000 x 25 percent).

(4) If a corporation is included in a combined return, separate return or in a different consolidated return in the year of the capital loss and the capital loss is carried into a year when a consolidated Oregon return is filed, the Oregon capital loss carryover may be subject to the federal separate return limitation year (SRLY) limitations in Treas. Regs. 1.1502-22.

(a) If a net capital loss is reported on a separate Oregon return by a corporation doing business only in Oregon, the SRLY limitation applies if the loss is carried to a tax year in which a consolidated return is filed, apportionment is not required, and the corporation with the loss (the limited member) is not the parent corporation. To compute the Oregon SRLY limitation, first recompute the consolidated net capital gain by excluding the capital gains and losses and the IRC section 1231 gains and losses of the limited member. Then subtract the recomputed consolidated net capital gain from the total consolidated net capital gain (computed without regard to any net capital loss carryover or carrybacks).

Example 3: Corporation R filed a separate Oregon return for 2008 reflecting an Oregon net capital loss of \$3,000. Corporation R did not have net capital gains in any of the prior three years. For 2009, Corporation R was included in a consolidated Oregon return with Corporations S and T. The consolidated group was not subject to the apportionment provisions. [Table not included. See ED. NOTE.]

(b) If a corporation is included in a consolidated Oregon return in the year of the consolidated net capital loss and files a separate Oregon return or is included in a different consolidated Oregon return in the year to which the net capital loss is carried, the Oregon consolidated net capital loss is attributed to the corporations with net capital losses for purposes of determining the allowable net capital loss carryover. The portion of an Oregon consolidated net capital loss attributable to a member of a consolidated group is an amount equal to such Oregon consolidated net capital loss multiplied by a fraction, the numerator of which is the net capital loss of such member and the denominator of which is the sum of the net capital losses of those members of the consolidated group having net capital losses.

Example 4: X Corp. and unitary subsidiaries Y and Z filed a consolidated Oregon return for 2008, their first year in business. X had a \$3,000 capital loss, Y had a \$2,000 capital gain and Z had a \$1,000 capital loss (consolidated net capital loss of \$2,000). The 2008 Oregon apportionment factor for the consolidated group is 75 percent. On December 31, 2008, X Corp. sold 100 percent of Z's stock to an outside investor. The capital loss that can be carried forward to the 2009 consolidated return of X and Y is computed as follows: [Table not included. See ED. NOTE.]

(c) If corporations carry their net capital losses to a tax year in which separate tax returns are filed, the net capital losses can be deducted by each corporation only if a net capital gain is shown on the separate tax return. The net capital loss deduction is further limited by the amount of the net capital gain attributable to Oregon based on the Oregon apportionment factor.

Example 5: Assume the same facts as in Example 4. The 2009 separate Oregon return of Z shows a net capital gain of \$200 with an Oregon apportionment factor of 50 percent. The net capital loss deduction allowed is \$100 (\$200 x 50 percent). Z has a net capital loss carryover to 2010 of \$275.

(d) If a group of unitary corporations, taxable within and without this state, filed a consolidated return for the year of the net capital loss and carries the net capital loss after apportionment back to a year in which a combined return is filed, the net capital loss must be allocated among the corporations as provided under the SRLY limitations in Treas. Reg. 1.1502-22. The net capital gain of the unitary group in the combined year must be apportioned among the corporations based on each corporation's Oregon apportionment percentage.

(5) If a corporation, taxable within and without this state, filed a separate return or was included in a different consolidated return for the year of the net capital loss and carries the net capital loss after apportionment to a year in which a consolidated return is filed, the net capital loss can be deducted only to the extent that the same corporation has a net capital gain which is attributed to Oregon. If the consolidated group in the carryover year is subject to the apportionment provisions, the net capital gain of the member must be attributed to Oregon based on the consolidated Oregon apportionment factor.

Example 6: In its first tax year 2008, B Corporation had a net capital loss of \$6,000. Because of its 50 percent Oregon apportionment factor, \$3,000 of the loss is apportioned to Oregon. On January 1, 2009, 100 percent of B's stock was purchased by P

Corporation. Because they were unitary, P and B file a 2009 consolidated Oregon return that includes B's net capital gain of \$1,000 and P's net capital gain of \$3,000. The consolidated return apportionment factor is 35 percent. On the 2009 consolidated return, only \$350 of B's \$3,000 net capital loss carryover can be deducted (the lesser of \$1,000 x .35 or \$4,000 x .35).

(6) If a corporation participated in Oregon's tax amnesty program pursuant to Oregon Laws 2009, chapter 710 (SB 880), the capital loss carried from another year is applied to the total Oregon capital gains reported as if the taxpayer had not participated in the amnesty program. A refund may be paid when a capital loss is applied to a year in which the taxpayer participated in the amnesty program only to the extent that the taxpayer paid taxes for that year other than under the amnesty program and in excess of the statutory minimum tax. Whether or not a refund is paid, the capital loss carried to subsequent years is reduced by the amount applied to the amnesty year as if the taxpayer had not participated in the amnesty program.

Example 7: Corporation X has a federal net capital loss of \$3,000 for 2009. X's Oregon apportionment factor for 2009 is 40 percent. X has a \$1,200 (\$3,000 x 40 percent) Oregon net capital loss available for carryback to 2006. For tax year 2006, X filed an original Oregon corporate tax return under Oregon's amnesty program. The 2006 return reported a federal net capital gain of \$1,000 and an Oregon apportionment factor of 50 percent, resulting in an Oregon net capital gain of \$500. X must carry back the capital loss to tax year 2006 but cannot receive a refund for any taxes paid because all taxes paid for tax year 2006 were paid under the amnesty program. X must reduce the capital loss carried to subsequent years to \$700. The \$500 capital loss that would have been allowed to offset against the capital gains had the 2006 return not been filed under the Oregon amnesty program is eliminated.

Example 8: Corporation Y has a federal net capital loss of \$5,000 for 2009. Y's Oregon apportionment factor for 2009 is 30 percent. Y has a \$1,500 (\$5,000 x 30 percent) Oregon net capital loss available for carryback to 2006. For tax year 2006, Y filed a timely Oregon corporate tax return showing no capital gain income and paying \$50 Oregon net excise tax. During Oregon's amnesty program, Y filed an approved amnesty amended return claiming previously unreported federal net capital gain of \$3,000 and a revised Oregon apportionment factor of 60 percent, resulting in Oregon capital gains of \$1,800. Additional Oregon taxes paid were \$119.

All of the \$1,500 capital loss carryback is offset against the \$1,800 capital gain income for tax year 2006. Any resulting refund is limited to taxes paid outside the amnesty program that exceed the statutory minimum tax. Y is entitled to a refund of \$40 (\$50 tax paid outside the amnesty program minus the \$10 minimum tax for tax year 2006). Y does not have a remaining capital loss to carry to subsequent years.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 317.013

Hist.: RD 10-1986, f. & cert. ef. 12-31-86; RD 15-1987, f. 12-10-87, cert. ef. 12-31-87; RD 11-1988, f. 12-19-88, cert. ef. 12-31-88; RD 12-1990, f. 12-20-90, cert. ef. 12-31-90; RD 9-1992, f. 12-29-92, cert. ef. 12-31-92; REV 6-2004, f. 7-30-04, cert. ef. 7-31-04; REV 8-2010, f. 7-23-10, cert. ef. 7-31-10

150-317.063

Farm Capital Gain

(1) This rule is effective July 31, 2010 and applies to all tax years open to examination.

(2) Definitions. For purposes of ORS 317.063 and this rule:

(A) "Substantially complete termination" means the taxpayer is:

(A) No longer involved, directly or indirectly, in a trade or business engaged in farming; or

(B) No longer owns, directly or indirectly, property used in the trade or business of farming.

(b) "A trade or business engaged in farming" means a distinct farming operation separately run from the taxpayer's other businesses. Businesses that share employees, equipment, buildings, or land are not separate businesses. Businesses that share records, accounts, registration, identification numbers, or a business name are also not separate businesses.

(3) A taxpayer's net long-term capital gain qualifies for the reduced tax rate if all four of the following tests are met:

(a) Asset Test. The gain is derived from either IRC section 1231 assets or an ownership interest of at least 10 percent in an entity.

(b) Use Test. The property that was sold consisted of:

(A) An ownership interest in an entity engaged in the trade or business of farming; or

(B) Property that was predominantly used in the trade or business of farming.

(c) Relationship Test. The assets are not sold to a related taxpayer as defined under IRC section 267.

(d) Termination Test. The sale is a substantially complete termination of all of the taxpayer's ownership interests in:

(A) A trade or business engaged in farming; or

(B) Property that is predominantly used in the trade or business of farming.

(4) Asset Test. The part of the taxpayer's net long-term capital gain that is eligible for the reduced rate must be from capital assets under IRC section 1231 or a 10 percent or more ownership interest in an entity engaged in the trade or business of farming.

Example 1: Forty years ago, Corporation A purchased an orchard next to the company's row crop farm. The company did not regularly harvest the fruit or care for the

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trees but allowed its employees and their families to use the fruit. Last year, the urban growth boundary moved to include the company's parcel. Corporation A wanted to sell the property to developers so it had all the trees removed and sold the property. The sale of the orchard does not qualify for the reduced rate because it was not held as a trade or business; thus, it was not an IRC section 1231 asset. It was land held for investment and personal use.

(5) Use Test. The asset sold must be predominantly used in the trade or business of farming. Any other use of the asset must be incidental to, and not interfere with, the primary purpose of being engaged in the trade or business of farming.

(a) Property used 80 percent or more in the trade or business of farming is considered and presumed to be predominant use. Accepted farming practices common to the type of farming activity and region, such as land lying fallow for one year, are included in the trade or business of farming.

(b) Property used more than 50 percent but less than 80 percent in a farming trade or business, qualifies as predominant if the difference between the actual percentage use in a farming trade or business and 80 percent use in a farming trade or business is incidental. Incidental use does not include holding property as an investment, using property for personal (non-business) use, or using property for another business. Incidental use includes, but is not limited to:

(A) Farmland that is bordered by or contains a waterway;

(B) Land that consists of terrain that cannot be farmed (i.e. marshland, desert);

(C) Land that contains a utility easement that makes farming impractical or impossible; or

(D) The period of the time when the farm property or business was "actively for sale" immediately prior to the sale. A property was "actively for sale" if the property was listed and advertised for sale for a price comparable to similar properties and the seller did not reject any reasonable offers.

(c) Property used for personal or business activities that take place on the land concurrently and do not interfere with the primary farming trade or business use are considered incidental use.

(d) Allocation. Property that is used less than 80 percent in a farm trade or business may be allocated between the actual portion that is predominantly used in the business of farming and the portion not predominantly used in the business of farming.

Example 2: BJ Farms raised corn and beans on 500 acres the entire time it owned the acreage. BJ Farms used the cornfields as a corn maze after the corn was harvested. BJ Farms sold the 500 acres to CJ Farms and recognized a capital gain. Assuming the gain from the sale meets the other three tests, the gain from the sale qualifies for the reduced tax rate because BJ Farms used the property predominantly (80 percent or more) in the trade or business of farming even though the company used the farmland for an incidental purpose after the harvest.

Example 3: D & D, Inc owned and operated a 30 acre farm. The farm had a waterway and riparian land that was not farmed, which took up 10 acres of the farm. Assuming the company meets the other three tests, D & D, Inc qualifies for the reduced tax rate because the property was predominantly used in the business of farming. The farm use qualifies as predominant for the entire 30 acres because the farm use was more than 50 percent, but less than 80 percent and the 33 percent (10 acres/30 acres) not used for farming was incidental.

Example 4: John B. Dairy, Inc sold 20 acres of land. The company owned the land and leased out 15 acres to a farmer who grew crops. The remaining 5 acres was made into baseball fields where the company allowed local Little League teams to use it for practices and games. Assuming John B. Dairy, Inc meets the other three tests, the 15 acres used for farming qualifies for the reduced tax rate.

(6) Relationship test. The gain from the sale of an asset does not qualify for the reduced tax rate if the asset is sold to a related taxpayer under IRC section 267 even if all of the other three tests are met.

Example 5: Green Beans Inc and Sweet Corn Inc own a farm together as a partnership. The partnership decides to sell the business to BJ Farms, (the parent company). Assume the sale meets the other three tests. The Green Beans Inc and Sweet Corn Inc capital gain does not qualify for the reduced tax rate because Green Beans Inc and Sweet Corn Inc are related to BJ Farms under IRC section 267.

(7) Termination Test. If a taxpayer sold an interest in a trade or business that is engaged in farming, the taxpayer may not be directly or indirectly engaged in that farming trade or business after the sale. The sale of the taxpayer's interests through an installment sale constitutes a substantially complete termination for purposes of ORS 317.063 and this rule. A taxpayer has substantially terminated its interests in the trade or business of farming even though the taxpayer retained a portion of the farm for personal use.

Example 6: Happy Cow Dairy Inc, (Parent Corporation) owned two subsidiaries, a dairy operation and a hop farm. The two businesses were completely separate. They had separate employees, equipment, and records. The two businesses also had different names, records, and federal identification numbers. Happy Cow Dairy Inc sold the dairy farm. After selling all of the dairy equipment and dairy cows, the company realized a capital gain of \$350,000. The company decided not to sell the hop farm. The gain on the sale of the dairy operation qualifies for the reduced tax rate. Even though the company still owned the hop farm, it had sold the entire dairy business.

(8) Depreciation Recapture. IRC section 1231 gain may be treated as ordinary income under IRC sections 1245 and 1250 recapture rules. If the capital asset is subject to depreciation recapture under IRC sections 1245 or

1250, the portion of the gain that is treated as ordinary income does not qualify for the reduced tax rate.

Example 7: JD Inc sold its farm, which included three silos. All four tests were met. The silos are capital assets subject to IRC section 1245 recapture. The part of the gain from the sale of the silos that is treated as ordinary income is not eligible for the reduced tax rate. However, the part of the gain from the sale of the silos that is treated as long-term capital gain on the federal return is eligible for the reduced tax rate on the Oregon return.

(9) Capital loss. If all four tests are met and the taxpayer is reporting a capital loss, it could affect the capital gain eligible for the reduced tax rate. Compute the net capital gain or loss from all other property sales or exchanges for the year that are taxable to Oregon. If it results in a net capital loss, the amount eligible for the reduced tax rate is the qualifying farm capital gain minus the net capital loss from other property sales or exchanges that are taxable to Oregon.

Example 8: B Inc sold a farming business for a net long-term capital gain of \$800,000. During the year, the company also sold other property for a net capital loss of \$150,000. Assuming the sale of the farm business meets all four tests, B Inc is only eligible for the reduced tax rate on \$650,000 (net farm long-term capital gain minus other net capital loss) of the taxable income.

(10) Installment Method under IRC section 453. Installment sales are eligible for the reduced tax rate if the sale meets all four tests as explained in section (2) of this rule. The amount of capital gain eligible for the reduced tax rate must be determined each year. The percentage of gain eligible for the reduced tax rate is equal to the qualifying farm long-term capital gain from the sale divided by all capital gain from the sale. Apply this percentage to the capital gain from the sale reported each year to determine the amount that qualifies for the reduced tax rate. If there is capital loss from the sale of other property as described in section (8) of this rule, during a tax year that the installment sale is reported, this may reduce the gain eligible for the reduced tax rate.

Example 9: Green Acres Inc sells its row crop farm in 2007 and meets all four tests to receive the reduced tax rate. The company elects to recognize the income from the sale using the installment method under IRC section 453. Green Acres Inc will receive half of the sale price in 2007 and one-fourth of the sale price each in 2008 and 2009 plus interest. Of the capital gain from the sale, \$300,000 qualifies for the reduced tax rate and \$100,000 does not. The company's percentage eligible for the reduced tax rate is \$300,000 of eligible capital gain divided by \$400,000 of total capital gain, or 75 percent. The buyer also paid interest to Green Acres Inc, which is reported separately on the return. In 2007, the company will claim the capital gain from the sale of \$200,000. Of that amount, 75 percent or \$150,000 is eligible for the reduced tax rate. In 2008 and 2009, the company will claim the farm capital gain rate for \$75,000 (\$100,000 x 75 percent) of capital gain from the sale reported each year.

(11) Like-kind Exchanges. Like-kind exchanges may be eligible for the reduced tax rate when the gain is recognized, assuming all four tests are met. The taxpayer must keep detailed records to show that the property would have qualified for the reduced tax rate if it had been a sale instead of an exchange.

Example 10: Dee Farms decided to exchange farmland for investment property. The exchange meets all four tests. Dee Farms deferred \$400,000 of capital gain. Later, Dee Farms sells the investment property and reports capital gain of \$700,000. Of this amount, \$400,000 is eligible for the reduced tax rate for farm capital gain, because it would have been eligible if the company had not deferred it.

(12) Sale in more than one tax year. Prior-year sales of farm property, or a farming business sold over more than one year, may be eligible for the reduced tax rate. It can take more than one year to sell a farming business or all of a taxpayer's property used in farming because the property is sold to more than one buyer. To qualify for the reduced tax rate, the taxpayer must be actively trying to sell all farm property (or all property from a farming business) from the year of the first sale until the year of the final sale. Each sale is separately considered to see if it meets the requirements to qualify for the reduced tax rate, but all farm property or property from a farming business must be sold within a reasonable amount of time (usually no more than three tax years from the first sale to the final sale of qualifying farm property) for any of the prior year sales to qualify. The reduced tax rate on the prior year sales cannot be claimed until the taxpayer has sold all farm property or all property from a farming business. A property is "actively for sale" if the property was listed and advertised for sale for a price comparable to similar properties and the seller did not reject reasonable offers.

Example 11: Sunshine Grass Seed Inc owns 1,000 acres of farmland in four different locations. The properties are treated as one business and all of the property is actively for sale. The company sells 200 acres to a neighboring farmer in 2006. Sunshine Grass Seed Inc files its 2006 tax return but cannot claim the reduced tax rate on the gain because it is not out of the business of farming. In November 2007, the company sells the remaining 800 acres of farmland to Dees Farms (an unrelated party). Sunshine Grass Seed Inc, files its 2007 tax return and the long-term capital gain from the sales qualifies for the reduced tax rate because the property was actively for sale the entire time. Sunshine Grass Seed Inc may now amend its tax return for 2006 and claim the reduced tax rate on the qualifying capital gain from the earlier sale.

(13) If a taxpayer sells farm property and then buys other farm property, the taxpayer may qualify for the reduced tax rate. The taxpayer must meet all four tests described in section (3) of this rule with the sale of farm

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property before purchasing other farm property to qualify for the reduced tax rate.

Example 12: JB Farms, sold the company's farm and equipment to start a retail business. After some difficulty in getting started, the company decides to go back to farming and purchased another farm. JB Farms qualifies for the reduced tax rate because the company had completely terminated its interest in property used in farming at the time of the sale and met the other tests.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100, 317.063

Stats. Implemented: ORS 317.063

Hist.: REV 8-2010, f. 7-23-10, cert. ef. 7-31-10

Rule Caption: Tobacco license denial includes noncompliance with other tax programs.

Adm. Order No.: REV 9-2010

Filed with Sec. of State: 7-23-2010

Certified to be Effective: 7-31-10

Notice Publication Date: 6-1-2010

Rules Amended: 150-323.107, 150-323.130, 150-323.530

Subject: 150-323.107, Denial of Wholesaler's License; 150-323.130, Denial of Cigarette Distributor's License; 150-323.530, Denial of Other Tobacco Products Distributor's License are amended to provide that criteria for denying a cigarette wholesaler's license, a cigarette distributor's license or an "other tobacco products" distributor's license include noncompliance with any tax program administered by the Department of Revenue.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-323.107

When Cigarette Wholesaler's License is Required; Denial of Application

(1) Any person selling cigarettes as defined in ORS 323.010(17) must obtain a cigarette wholesaler's license. A wholesaler must obtain a license for each place of business at which the wholesaler engages in the sale of cigarettes.

(2) The Department of Revenue may deny a license application under ORS 670.280 if there is false or incomplete information on the application or if the department determines that the applicant will not comply with the provisions of ORS 323.005 to 323.482. When deciding whether to deny a wholesaler's license, the department may consider, but is not limited to, the following factors:

(a) Whether the applicant has previously failed to pay a tobacco related tax or any other tax administered by the Oregon Department of Revenue;

(b) Whether the applicant has engaged in conduct punishable as a crime under ORS Chapter 323 or any other state's or federal tobacco laws; or

(c) Whether the applicant has violated any part of ORS Chapter 323 or any rule adopted under that chapter;

(3) If the applicant is other than an individual, the department will apply the factors described in subsection (2) both to the applicant and, if the applicant is an organization, to the individual(s) within the organization with the primary responsibility for ensuring compliance with cigarette tax laws;

(4) If the department denies a license application, the applicant has 30 calendar days from the date of denial to file an appeal in the manner provided in ORS 305.404 to 305.560.

Stat. Auth.: ORS 305.100 & 323.440

Stats. Implemented: ORS 323.107

Hist: REV 6-2004, f. 7-30-04, cert. ef. 7-31-04; REV 9-2010, f. 7-23-10, cert. ef. 7-31-10

150-323.130

Denial of a Cigarette Distributor's License

(1) Any person engaging or seeking to engage in the sale of cigarettes as a distributor as defined in ORS 323.015 must obtain a cigarette distributor's license. A distributor must obtain a license for each place of business at which the distributor engages in the sale of cigarettes.

(2) The Department of Revenue may deny a license application if there is false or incomplete information on the application or if the department determines that the applicant will not comply with the provisions of ORS 323.005 to 323.482. When deciding whether to deny a distributor's license, the department may consider, but is not limited to, the following factors:

(a) Whether the applicant has previously failed to pay a tobacco related tax or any other tax administered by the Oregon Department of Revenue;

(b) Whether the applicant has engaged in conduct punishable as a crime under ORS Chapter 323 or any other state's or federal tobacco laws; or

(c) Whether the applicant has violated any part of ORS Chapter 323 or any rule adopted under that chapter;

(3) If the applicant is other than an individual, the department will apply the factors described in subsection (1) both to the applicant and, if the applicant is an organization, to the individual(s) within the organization with the primary responsibility for the payment of the cigarette taxes on behalf of the applicant;

(4) If the department denies a license application the applicant has 30 calendar days from the date of denial to file an appeal in the manner provided in ORS 305.404 to 305.560.

Stat. Auth.: ORS 305.100 & 323.440

Stats. Implemented: ORS 323.107

Hist: REV 6-2004, f. 7-30-04, cert. ef. 7-31-04; REV 9-2010, f. 7-23-10, cert. ef. 7-31-10

150-323.530

Other Tobacco Product (OTP) Distributor License Application Denial

(1) Any person engaging or seeking to engage in the sale of other tobacco products as a distributor, as defined in ORS 323.500(6), must obtain an OTP distributor's license. A distributor must obtain a license for each place of business at which the distributor engages in the sale of other tobacco products.

(2) The Department of Revenue may deny a license application if there is false or incomplete information on the application or if the department determines that the applicant will not comply with the provisions of ORS 323.500 to 323.640. When deciding whether to issue or deny a distributor's license, the department may consider, but is not limited to, the following factors:

(a) Whether the applicant has previously failed to pay a tobacco related tax or any other tax administered by the Oregon Department of Revenue;

(b) Whether the applicant has engaged in conduct punishable as a crime under ORS Chapter 323 or any other state's or federal tobacco laws;

(c) Whether the applicant has violated any part of ORS Chapter 323 or any rule adopted under that chapter.

(3) If the applicant is other than an individual, the department will apply the factors described in subsection (1) both to the applicant and, if the applicant is an organization, to the individual(s) within the organization with the primary responsibility for the payment of the tobacco taxes on behalf of the applicant;

(4) If the department denies a license application, the distributor has 30 calendar days from the date of denial to file an appeal in the manner provided in ORS 305.404 to 305.560.

Stat. Auth.: ORS 305.100 & 323.575

Stats. Implemented: ORS 323.530

Hist: REV 6-2004, f. 7-30-04, cert. ef. 7-31-04; REV 9-2010, f. 7-23-10, cert. ef. 7-31-10

Rule Caption: Biomass tax credit; composite tax returns; representation of limited liability companies; military pay.

Adm. Order No.: REV 10-2010

Filed with Sec. of State: 7-23-2010

Certified to be Effective: 7-31-10

Notice Publication Date: 6-1-2010

Rules Adopted: 150-315.144, 150-314.778, 150-314.781, 150-314.784

Rules Amended: 150-305.230, 150-314.775, 150-314.840, 150-315.141, 150-316.014, 150-316.680(1)(c)-(A)

Subject: 150-315.141 and 150-315.144 explain 2009 statutory changes related to the biomass tax credit. The rules also explain the process by which the credit may be sold or transferred.

150-314.775, 150-314.778, 150-314.781, 150-314.784 explain how composite tax returns are filed and provide that a credit for taxes paid to another state generally cannot be claimed on the return.

150-305.230 and 150-314.840 explain who may represent a limited liability company in proceedings before the department.

150-316.014 explains the treatment of net operating losses that are carried to a year for which the taxpayer claimed amnesty.

150-316.680(1)(c)-(A) reflects legislative changes to the maximum subtraction allowed for active duty pay.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

ADMINISTRATIVE RULES

150-305.230

Representation of Taxpayers before the Department of Revenue

(1) Application of ORS 305.230. The provisions of ORS 305.230 apply to all administrative proceedings before the Department of Revenue. Only those individuals who qualify under ORS 305.230 and this rule may represent the taxpayer.

(2) Individuals Authorized to Represent by Department Rule. The following individuals may represent the taxpayer before the department unless the individual is prohibited from representing the taxpayer by other Oregon law:

(a) An adult immediate family member of the taxpayer may represent the taxpayer.

(b) The taxpayer's registered domestic partner may represent the taxpayer.

(c) A regular full-time employee of an individual employer may represent the employer.

(d) A general partner or a regular full-time employee of a partnership may represent the partnership. For general representation rules for partnerships see OAR 150-305.242(2) and 150-305.242(5).

(e) An officer or a regular full-time employee of a corporation (including a parent, subsidiary, or other affiliated corporation), association, or organized group may represent the corporation, association, or organized group.

(f) Limited Liability Company (LLC) classified as a corporation. A member-manager, a non-member manager, or a regular full-time employee of the LLC may represent the LLC.

(g) Limited Liability Company classified as a partnership. Any member with management authority may represent the LLC (including a member in a member-managed LLC). Any regular, full-time employee of the LLC may represent the LLC. If the LLC has no members with management authority, then any member may represent the LLC (see ORS 63.130 and Treas. Reg. § 301.6231(a)(7)-2).

(h) A regular full-time employee of a trust, receivership, guardianship, or estate may represent the trust, receivership, guardianship, or estate.

(i) An officer or a regular employee of a governmental unit, agency, or authority may represent the governmental unit, agency, or authority in the course of his or her official duties.

(j) An individual may represent any individual or entity that is outside the United States before department personnel when such representation takes place outside the United States.

(k) An individual who prepares and signs a taxpayer's tax return as the preparer, or who prepares a tax return but is not required (by the instructions to the tax return or by rule) to sign the tax return, may represent the taxpayer during an examination of the tax year or period covered by that tax return. This provision does not permit such individuals to represent taxpayers, regardless of the circumstances, before conference officers, revenue agents, legal counsel or similar department employees.

(l) A taxpayer's authorized agent may represent the taxpayer in proceedings relating to the property tax assessment of designated utilities and companies by the Oregon Department of Revenue under ORS 308.505 through 308.665 and 308.805 through 308.820. For purposes of this rule, an "authorized agent" means a person who is authorized by a company assessed under ORS 308.505 to 308.665 and 308.805 to 308.820 to transact all business related to the filing or processing of an annual statement filed as required by ORS 308.525 or all business related to the filing of a request for a director's conference under ORS 308.595.

(m) Persons authorized to represent in an ad valorem property tax conference or proceeding under ORS 305.230(1)(d), any person licensed by the Oregon State Board of Tax Practitioners, and consulting foresters may represent a taxpayer in any proceeding with respect to taxes imposed under ORS Chapter 321. For purposes of this rule, "consulting forester" means a person who is engaged by the taxpayer to render expert or professional advice in forest management related matters.

(n) The director may, subject to restrictions imposed under other Oregon law, authorize an individual who is not otherwise eligible under this rule to represent a taxpayer before the department. The sole fact that an individual does not qualify under another section of this rule is not an adequate reason to request special permission to represent a taxpayer.

(3) The department, in its discretion, may revoke the authority to represent a taxpayer granted under section (2) of this rule.

(4) Representation by an Oregon Tax Matters Shareholder.

(a) When the treatment of S corporation items on a shareholder's return is consistent with the treatment of that item on the S corporation return and results in a deficiency, a tax matters shareholder may be designated to represent the corporation before the Department of Revenue in any

conference or proceeding with respect to the administration of any tax on or measured by net income.

(b) An S corporation that elects to designate a tax matters shareholder as its authorized representative in proceedings before the department for issues relating to the S corporation adjustments on a Notice of Deficiency must make the designation as provided in this rule.

(c) The tax matters shareholder designated for Oregon purposes may be the federal tax matters shareholder or may be another shareholder, and must be a shareholder who is:

(A) A shareholder in the S corporation at some time during the taxable year to which the Notice of Deficiency pertains; or

(B) A shareholder in the S corporation at the time the designation is made.

(d) Information required. The S corporation must designate a tax matters shareholder by filing a signed statement with the department. The statement must:

(A) Identify the shareholders making the designation by name, address, and social security number;

(B) Identify the S corporation and the designated shareholder by name, address, and taxpayer identification number;

(C) Declare that the statement is a designation of a tax matters shareholder for the taxable year to which the Notice of Deficiency relates; and

(D) Authorize the tax matters shareholder as a qualified representative under ORS 305.230 and identify the taxable year(s) of authorization. The S corporation may authorize the tax matters shareholder to represent the shareholders for issues other than S corporation issues only by making the election with this authorization.

(e) Only one tax matters shareholder may be designated and authorized to represent the corporation for each examination at the S corporation level which results in a Notice of Deficiency to the corporation or the shareholders for adjustments related to S corporation items.

(f) If a notice explaining the S corporation adjustments is mailed by the department to the tax matters shareholder with respect to any S corporation taxable year, the tax matters shareholder must supply the department with the name, address, ownership percentage and taxpayer identification number of each person who was a shareholder in the S corporation at any time during the taxable year, unless that information was provided in the S corporation return for that year.

(g) A timely request for a conference filed with the department by the tax matters shareholder will be considered as an appeal of the S corporation adjustment, and all issues regarding treatment of S corporation items will be resolved in a single conference.

(h) Shareholders who do not designate a tax matters shareholder as provided in this rule may appeal their Notice of Deficiency by following the administrative remedies under ORS 305.265 and the related rules.

(i) Binding Actions of the Tax Matters Shareholder. The tax matters shareholder for Oregon will bind all shareholders who have made the designation under this section to all actions of the tax matters shareholder with respect to the proceedings between the department and the shareholder whose tax liability is in dispute. When appealing on behalf of the S corporation, the tax matters shareholder may exercise any administrative remedy before the department allowed by Oregon law except that all electing shareholders are considered to have appealed under the same action. Any shareholder who has designated a tax matters shareholder may participate in any level of the administrative proceedings.

Example: Assume an S corporation with 10 shareholders has been examined and each shareholder receives a Notice of Deficiency. If 8 shareholders designate a tax matters shareholder, their appeal will be heard collectively. If the tax matters shareholder requests a conference, the conference decision will apply to all 8 shareholders (all 8 shareholders may participate). The other 2 shareholders may appeal their cases individually because they did not make the election to be represented by the tax matters shareholder.

(j) Other actions of the tax matters shareholder that are binding on the shareholders who have made the designation include, but are not limited to:

(A) Consent to the extension of the statute of limitations regarding S corporation items with respect to all electing shareholders.

(B) Making a settlement offer to the department.

(C) Acceptance of a closing agreement with the department.

(D) Consent to time and place of any appeals proceedings.

(5) When a limited liability company (LLC) has elected to be classified as a corporation and has made an S corporation election, section (4) applies to the LLC. When applying section (4) to an LLC, LLC members are treated as shareholders.

Stat. Auth.: ORS 305.100, 305.230

Stats. Implemented: ORS 305.230; ORS 63.810

Hist.: 12-31-88; RD 8-1983, f. 12-20-83, cert. ef. 12-31-83; RD 5-1986, f. & cert. ef. 12-31-86; RD 2-1988, f. 1-11-88, cert. ef. 1-15-88; RD 1-1997(Temp), f. 6-13-97, cert. ef. 7-4-97 thru 12-31-97; RD 5-1997, f. 12-12-97, cert. ef. 12-31-97; REV 3-2005, f. 12-30-05, cert. ef.

ADMINISTRATIVE RULES

1-1-06; REV 10-2006, f. 12-27-06, cert. ef. 1-1-07; REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-314.775

Definitions for Composite Tax Returns and Pass-through Entity Withholding

The following definitions apply for purposes of ORS 314.775 to 314.784, this rule, and OAR 150-314.778 to 150-314.784:

(1) "Distributive income" means the net amount of income, gain, deduction, or loss of a pass-through entity for the tax year of the entity and includes those items directly related to the entity that are considered in determining the federal taxable income of the owner or, in the case of an owner that is a corporation, would be included in its federal taxable income if the corporation were an individual.

(2) "Electing owner" means a nonresident owner that elects to participate in an Oregon composite tax return filed by a pass-through entity.

(3) "Modified distributive income" means the distributive income as defined in section (1) of this rule, of a pass-through entity, with the modifications provided in ORS chapter 316 and other Oregon law that directly relate to those items taken into consideration by the pass-through entity in arriving at its distributive income. Such modifications include, but are not limited to, any Oregon modification necessary for depreciation, depletion, gain or loss difference on the sale of depreciable property, and any modification for federal tax credits, and do not include the federal tax subtraction, itemized deductions, and the Oregon standard deduction. Guaranteed payments are treated as a business income component of the entity's distributive income and attributed directly to the owner receiving the payment.

(4) "Nonelecting owner" means a nonresident owner of a pass-through entity that does not elect to participate in a composite return and who is required to file an Oregon individual income tax return.

(5) "Oregon-source distributive income" means the portion of the entity's modified distributive income that is derived from or connected with Oregon sources. For entities operating in Oregon and one or more other states, Oregon-source distributive income is determined by attributing to Oregon sources that portion of the modified distributive income of the entity, as defined in section (3) of this rule, determined in accordance with the allocation and apportionment provisions of ORS 314.280 or ORS 314.625 to 314.675.

(6) "Pass-through entity" means any entity that is recognized as a separate entity for federal income tax purposes, for which the owners are required to report income, gains, losses, deductions or credits from the entity for federal income tax purposes. Examples include:

- (a) A partnership;
- (b) An S corporation;
- (c) A limited liability company that is treated as one of the above for tax purposes; and

(d) A trust that has been established or maintained primarily for tax avoidance purposes, including: an abusive tax shelter as defined in ORS 314.402, an entity subject to a penalty for promoting an abusive tax shelter under Internal Revenue Code (IRC) section 6700, and a tax shelter as defined under IRC section 6662 and related Treasury regulations.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.775

Hist.: REV 3-2005, f. 12-30-05, cert. ef. 1-1-06; REV 2-2006, f. & cert. ef. 7-31-06, Renumbered from 150-2005 OL, Ch. 387; REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-314.778

Oregon Composite Tax Return

(1) General provisions. A pass-through entity doing business in or deriving income from sources within this state is required to file an Oregon composite tax return if requested by one or more electing owners. Estimated tax payments are required for the composite return if the total Oregon tax due for any electing owner is expected to be \$1,000 or more for an individual; or \$500 or more for a corporation.

(a) Computation of tax. Each pass-through entity filing a composite return on behalf of electing owners must calculate the tax for each electing owner. The tax liability for each electing owner on the composite return, determined without regard to the tax credits allowed under subsection (1)(b) of this rule, is calculated by applying the Oregon tax rates based on the owner's filing status to the difference between the owner's share of the entity's Oregon-source distributive income for the taxable year and the owner's self-employment tax deduction, as provided for in subsection (1)(b) of this rule. If distributive income is apportioned, the deduction must also be apportioned by multiplying the owner's federal deduction for one-half self-employment tax (attributable to the owner's share of the entity's net earnings from self-employment) by the apportionment percentage provided in ORS 314.650-314.675. The pass-through entity will report on the

Oregon composite nonresident return the tax computed for each electing owner and total amounts for all electing owners.

(b) Credits and deductions. Below is a list of items that may or may not be allowed for electing owners. [Table not included. See ED. NOTE.]

(c) Losses.

(A) Net operating losses for Oregon nonresidents are computed under ORS 316.014. A pass-through entity that has filed an Oregon composite tax return on behalf of nonresident individual owners may file amended returns to carry back the Oregon net operating losses incurred by the entity. A schedule must be attached to any return filed under these provisions indicating the taxpayers affected and calculations of the loss amounts. These losses may also be carried forward. The allowed carryback and carryforward periods (including elections to forego the carryback period) are the same as provided under Internal Revenue Code section 172. The election to forego the carryback period must be made by attaching a statement to the Oregon composite return filed on or before the due date (including extensions) of the return for the loss year. Corporations are not allowed to carry back a net operating loss (ORS 317.476).

(B) Any refund of tax made pursuant to an original or amended composite return filed under these provisions will be paid to the entity, regardless of changes in ownership or changes in the identity of nonresidents participating in an Oregon composite filing.

(2) Election to participate in an Oregon composite tax return. The following provisions apply to electing owners:

(a) The owner must make a separate election for each tax year;

(b) The owner must not have been a resident of Oregon at any time during the owner's tax year;

(c) The owner is considered to have made the election on the date the entity files the composite return that includes the electing owner;

(d) By making the election, the owner elects to have the owner's Oregon tax liability paid and reported by the entity; and

(e) An electing owner is ultimately liable for tax, penalty and interest if the entity fails to file a composite tax return or pay the tax on behalf of the owner.

(3) Filing and payment requirements.

(a) Due date. The Oregon composite tax return is due the 15th day of the fourth month after the close of the tax year of the majority of the electing owners, in accordance with ORS 314.385.

Example 1: Around the Bend LLC (ATB) has a tax year ending June 30th. The electing owners consist of four individuals and three corporations. Because the individuals are all calendar year taxpayers, the majority of the electing owners have a calendar tax year which ends December 31st. Therefore the composite return and any estimated payments are due using a calendar tax year. For tax year 2010, the composite return will include the income reported by ATB for their tax year ending June 30, 2010. The composite return ATB will file on behalf of its owners for 2010 is due April 15, 2011.

Example 2: Coast Around Oregon Incorporated (CAO) is an S Corporation and has a tax year ending October 31st. The electing owners consist of 15 individuals, so they are all calendar year taxpayers. For tax year 2010, the composite return will include the income reported by CAO for their tax year ending October 31, 2010. The composite return CAO will file on behalf of its owners for 2010 is due April 15, 2011.

(b) Payment of amounts due. Payment of the amount due is made by the entity on the owner's behalf and must accompany the filing of the Oregon composite tax return in accordance with ORS 314.395. The payment must include the tax due plus any penalty or interest provided by Oregon law.

(c) Extensions of time to file. If the entity is granted a federal extension of time to file the entity's return, the same extension of time applies for filing the Oregon composite return. The entity should attach a copy of the federal extension to the back of the Oregon composite return when it is filed.

Example 3: Refer to Example 1. Around the Bend LLC (ATB) filed for extension for its 2009 partnership return for its tax year ending June 30, 2010. The partnership return due date was October 15, 2010 and the extended due date was March 15, 2011. The 2010 composite return reporting this income is due April 15, 2011. Because the entity received a 5 month extension, it has until September 15, 2011 to file the composite return, even though the income is reported in a different tax year for the owners.

Example 4: Refer to Example 2. Coast Around Oregon Incorporated (CAO) filed for extension for its 2009 S-Corporation return for its tax year ending October 31, 2010. The Oregon S-corporation return due date was March 15, 2011 and the extended due date was September 15, 2011. The 2010 composite return reporting this income is due April 15, 2011. Because CAO received a 6 month extension, it has until October 17, 2011 to file the composite return, even though the income is reported in a different tax year for the owners.

(d) An electing owner may file a separate tax return without revoking the election to join a composite return. The income reported on the composite return is subtracted on the electing owner's separate return and tax is paid only on the Oregon source income not reported on the composite return.

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(4) Ineligibility or revoking an election to participate in a composite return.

(a) One or more owners may revoke the election to join in the Oregon composite tax return after the Oregon composite tax return has been filed. The revocation of the election must be made within three years from the date the Oregon composite tax return was filed. To revoke a previous election, the owner must file a separate return with the department showing all items of income and deduction separately. This separate return will be treated as an original return and, if filed after the due date, any tax liability shown on the return is subject to interest and penalties in the same manner as any other delinquent original return. The decision to revoke a previous election by one or more owners has no effect on the election of the remaining owners.

(b) If any of the owners becomes ineligible, revokes an election, or declines to participate in filing an Oregon composite tax return, and the entity made tax payments on the owner's behalf, the department may transfer the tax payment to the account of the nonresident owner if the entity submits a written request to the department. The department must receive the request before the entity files the Oregon composite return and before the nonresident owner files a tax return for that tax year. The request must contain:

(A) The name and federal employer identification number of the entity that made the tax payment(s);

(B) The name and social security number of the nonresident owner; and

(C) The specific dollar amount to transfer to the account of the owner.

(c) An owner who does not or cannot elect to participate, or who revokes a prior election, is subject to withholding on the owner's share of the Oregon source distributive income under ORS 314.781 and OAR 150-314.781.

(5) Payment of tax on behalf of electing owners. An entity may be required to make quarterly tax payments to the department on behalf of all electing owners. The tax liability required to be paid is the sum of each electing owner's estimated tax liability for that quarter that is attributable to each owner's interest in the entity. In determining the electing owner's tax liability, the provisions of ORS 314.505 to 314.525 or 316.579 to 316.589 regarding calculation of estimated tax apply. The entity must remit the tax payments to the department using forms and instructions provided by the department.

[Publications: Publications referenced are available from the agency.]

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.778

Hist.: REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-314.781

Pass-through Entity Withholding Requirements

(1) Withholding requirement. A pass-through entity with Oregon-source distributive income and one or more nonresident owners that have no other Oregon-source income, is required to withhold tax on behalf of the owner unless that owner makes an election as described in OAR 150-314.778 or meets an exception described in OAR 150-314.784. The entity must withhold tax as follows:

(a) For nonelecting owners subject to tax under ORS Chapter 316, each owner's share of Oregon-source distributive income for the taxable year multiplied by the highest percent in ORS 316.037; and

(b) For nonelecting owners subject to tax under ORS Chapter 317 or 318, each owner's share of Oregon-source distributive income for the taxable year multiplied by the rates in ORS 317.061.

(2) Information retention requirement. The pass-through entity must retain in its records the information listed in this section and submit it to the Department of Revenue on request:

(a) Calculation of the amount required to be withheld pursuant to this rule;

(b) Whether payments were submitted in addition to the quarterly withholding tax amounts required to be remitted under section (4) of this rule; and

(c) A detailed summary of the nonelecting owner's share of the aggregate withholding tax payments made by the pass-through entity for the taxable year and the nonelecting owner's share of the aggregate additional withholding tax liability paid.

(3) Information reporting to owner requirement. The pass-through entity, by the due date of its information return, must provide each applicable nonelecting owner with an information statement containing the owner's share of the entity's withholding tax payments to be claimed as estimated tax payments on the owner's tax return.

(4) Periodic remittance requirement. The entity must remit amounts required to be withheld to the department on a periodic basis, using Oregon estimated tax payment vouchers for each nonelecting owner, or through the use of another method approved by the department. The due dates of these required payments are the same as the owner's estimated payment due dates based on the owner's tax year. The periodic withholding tax remittance amounts may be made using the sum of:

(a) The highest marginal tax rate in ORS 316.037 multiplied by the sum of the noncorporate nonelecting owner's share of the entity's Oregon-source distributive income for the preceding taxable year (or current year's actual or estimate) and then multiplied by 25 percent; and

(b) The rates in ORS 317.061 multiplied by the sum of the corporate nonelecting owner's share of the entity's Oregon-source distributive income for the preceding tax year (or current year's actual or estimate) and then multiplied by 25 percent.

Example: ABC Partners, an Oregon partnership, has 2 nonresident owners who each own 25 percent of the partnership. One is an individual, Rachel, and one is a corporation, Eli & Alexandria Inc (E&A). Because neither elects to join in filing a composite return and neither has filed an affidavit, ABC must withhold Oregon tax. ABC Partners decides to use last year's income to figure withholding. Last year's annual income for ABC was \$1,500,000. Both Rachel's and E&A's share was \$375,000. For 2010, Rachel's pass-through entity withholding is 11 percent (the highest marginal tax rate for 2010) multiplied by \$375,000 (her share of last year's income) multiplied by 25 percent. Each period, ABC will withhold \$10,312.50 on behalf of Rachel. To figure E&A Inc's pass-through entity withholding for 2010, an extra step is needed because of the varying tax rates for corporate taxpayers. Tax is withheld at 6.6 percent on the first \$250,000 and 7.9 percent on the additional amount. The total tax to be withheld for the first \$250,000 is \$16,500. The total tax to be withheld on the additional income is \$9,875 (\$125,000 x 7.9 percent). ABC will add both of these amounts together for a total of \$26,375, which is then multiplied by 25 percent. Each period, ABC will withhold \$6,593.75 on behalf of E&A Inc. Since both Rachel and E&A Inc are calendar year taxpayers, ABC Partners can submit their withholding at the same time. By the due date for each period, ABC Partners must send two vouchers showing how much is withheld for each nonresident owner along with a payment of \$16,906.25. If E&A Inc were a fiscal year taxpayer, then ABC would submit pass-through entity withholding by the estimated payment due dates for E&A's fiscal tax year instead.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.781

Hist.: REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-314.784

Exceptions to Pass-through Entity Withholding Requirements

(1) A pass-through entity may be required to withhold tax on behalf of an owner unless the owner makes an election as described in OAR 150-314.778 or meets an exception described in this rule.

(2) A pass-through entity is not required to withhold income taxes for an owner if:

(a) The owner is an electing owner as defined in OAR 150-314.775;

(b) The owner's share of Oregon-source distributive income from the entity is less than \$1,000;

(c) The owner made estimated tax payments the prior tax year based on the owner's share of Oregon-source distributive income from the entity and continues to make estimated tax payments for the current tax year;

(d) The entity is a publicly traded partnership, as defined in Internal Revenue Code section 7704(b), that:

(A) Is treated as a partnership for federal tax purposes; and

(B) Files an annual information report including the nonresident's name, address, social security number or taxpayer identification number, ownership percentage, and share of the federal income; or

(e) The owner files with the Department of Revenue a signed affidavit that contains:

(A) The owner's name, address, and social security number or tax identification number (i.e. federal employer identification number or Oregon business identification number);

(B) The entity's name and tax identification number;

(C) The entity's tax year and end date

(D) A statement that the owner agrees to file the owner's Oregon income or excise tax return and make timely payments of all taxes imposed with respect to the owner's share of the Oregon income of the entity; and

(E) Acknowledgement that the owner is subject to the jurisdiction of the State of Oregon for purposes of collection of unpaid income tax, penalties, and interest.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.784

Hist.: REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-314.840

Information That May Be Furnished

(1) *Definitions.* For purposes of ORS 314.840 and this rule:

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(a) "Taxpayer," includes:

(A) The executor or personal representative of a decedent's estate or a person who is appointed or authorized by law to pay the taxes of a decedent, and a trustee or other person who, by law, must pay the income taxes of a trust, and

(B) Any entity required to file a return with the department.

(b) An "authorized representative" is a person authorized to represent the taxpayer under ORS 305.230 and any of its related administrative rules.

(c) A "designee" is a person, firm, organization, or agency designated by a taxpayer to receive the taxpayer's confidential information. For entities, designations are to be made by an individual authorized by law to act for the entity.

(2) As permitted by law, the department may disclose and give access to information described in ORS 314.835 to certain categories of persons, including, but not limited to:

(a) *Department of Human Services:*

(A) Under provisions of ORS 412.094, the Department of Human Services may request in writing any information contained in the department's tax files as to the location, income, and property of parents who, according to the Department of Human Services, have abandoned or deserted or are failing to support their children receiving public assistance. The request must clearly specify the information desired and must supply the information the department requires. The request must contain a certification by the Department of Human Services that the information is being requested pursuant to ORS 412.094. The information must be used only for the purposes specified by the law authorizing the disclosure.

(B) Upon written request of the Department of Human Services, the department will disclose the names, addresses and social security numbers of applicants for elderly rental assistance under ORS 310.630 to 310.706 as authorized by ORS 314.860. The department must maintain a record of all requests for such disclosure. The information must be used only for the purposes specified by the laws authorizing the disclosure.

(b) *Division of Child Support.* Under the provisions of ORS 412.094 and 180.320, the Division of Child Support of the Department of Justice may request any information contained in the department's tax files for the purposes and under the limitations set forth in that statute. The rules set forth in paragraph (2)(a)(A) of this rule for supplying information to the Department of Human Services will be followed in complying with any such requests. The information must be used only for the purposes specified by the laws authorizing the disclosure.

(c) *District Attorneys.* Under provisions of ORS 412.094, the District Attorney of any county in the state may request any information contained in the department's tax files for the purposes and under the limitations set forth in that statute. The rules set forth in paragraph (2)(a)(A) of this rule for supplying information to the Department of Human Services will be followed in complying with any such requests. The information must be used only for the purposes specified by the law authorizing the disclosure.

(d) Corporations. The returns of a corporation will be open to inspection by any officer of the corporation or its authorized representative.

(e) Partnerships and Limited Liability Partnerships (LLPs). The return of a partnership or LLP will be open to inspection by any person who was a partner during any part of the tax year covered by the return, provided that a showing satisfactory to the department is made that the person was a partner during the tax year covered by the return. In the event of the death of a partner, the return of the partnership or LLP will be open to inspection by the executor as defined in ORS 118.005 who is responsible for filing an inheritance tax return with respect to the deceased partner. Any person requesting information under this subsection must make known to the department the reason for the request and the use to be made of the information.

(f) Limited Liability Companies (LLCs). Under ORS 63.810, an LLC is classified for tax purposes in the same manner as it is classified for federal income tax purposes. Therefore:

(A) If an LLC is classified as a corporation for tax purposes, the returns may be disclosed as provided in subsection (2)(d) above. Any manager or member-manager will be treated in the same manner as an officer except as otherwise provided in the LLC's organizational documents.

(B) If an LLC is classified as a partnership for tax purposes, the returns may be disclosed as provided in subsection (2)(e) above.

(g) *Registered Agents.* The department may serve an entity that has a registered agent any notice, demand, or process required or permitted by law to be served on the entity by serving the notice, demand, or process to

the entity's registered agent on file with the Secretary of State or as otherwise determined by law.

(3) Conflicting Claims to a Dependency Deduction. The returns of two taxpayers claiming the same dependent(s) will be open to inspection by those two taxpayers as allowed in ORS 305.215.

(4) Husband and Wife Filing Separately. If a husband and wife have filed separate tax returns, neither spouse nor authorized representative will be permitted to inspect the separate return of the other spouse or to obtain any information from it or any related report without first having obtained written consent to do so from such other spouse except as provided in section (3) above.

(5) Taxpayer, Authorized Representative, or Designee. Upon request and unless otherwise prohibited by an Internal Revenue Service agreement, the department will permit the taxpayer, the taxpayer's authorized representative, or the taxpayer's designee to obtain copies of the taxpayer's income tax returns filed with the department for any tax year, copies of reports filed by the taxpayer in connection with such returns, and any other information that the department considers necessary in the administration of the tax laws. Upon request and payment of the charges set forth in OAR 150-192.440, the department will furnish copies of these documents. Such requests may be made in person, in writing, or by telephone, e-mail or other generally used means of communication.

(6) Taxpayer Authorization and Designation. Taxpayer authorization to disclose to a designee may be in writing, verbal, or implied. See OAR 150-305.193.

(a) The department will recognize that a person is authorized to represent the taxpayer upon the filing with the department or magistrate division of a document signed by the taxpayer clearly authorizing such representation, or if the magistrate division is satisfied that the person is so authorized. If the magistrate division accepts a document signed by a person on behalf of a taxpayer, or has issued an order declaring that the person is authorized to represent the taxpayer, the department will consider the magistrate division to be satisfied that the person is an authorized representative. Unless a written authorization by the taxpayer clearly provides otherwise, the department will presume the person is authorized to represent the taxpayer only with respect to the proceeding before the department or the magistrate division and will disclose only documents and information relating to the tax years at issue in that proceeding.

(b) Only the tax information that relates to the duty of an executor, a decedent estate's personal representative, a person who is appointed by law to pay the taxes of a decedent, or a trustee or other person who, by law, must pay the income taxes of a trust may be disclosed.

(c) *Power of Attorney.* The department may accept a signed power of attorney as consent from the taxpayer to disclose confidential information. The department may accept a signed power of attorney as a taxpayer's designation to appoint another individual as their agent. The department will not accept a federal power of attorney Form 2848 unless the taxpayer has specifically indicated that it applies to the Oregon Department of Revenue.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 314.840, 63.810, 63.130

Hist.: 11-71; 11-73; 12-19-75; 1-1-77; TC 19-1979, f. 12-20-79, cert. ef. 12-31-79; TC 9-1981, f. 12-7-81, cert. ef. 12-31-81; RD 12-1985, f. 12-16-85, cert. ef. 12-31-85; REV 2-1998, f. & cert. ef. 5-1-98; REV 6-2002(Temp), f. & cert. ef. 10-3-02 thru 3-31-03; REV 8-2002, f. & cert. ef. 12-31-02; Rev 4-2003, f. & cert. ef. 12-31-03; REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-315.141

Biomass Production or Collection Credit

(1) The provisions of this rule apply to tax years beginning after December 31, 2006 and before January 1, 2010. See OAR 150-315.144 for credit transfer provisions related to tax years beginning on or after January 1, 2010.

(2) Definitions for purposes of ORS 315.141 and this rule.

(a) "Biomass collector" means a person that:

(A) Physically (including through employees or agents) collects biomass or receives biomass from another person (whether or not for consideration); and

(B) Transfers that biomass to a person that is a biofuel producer.

(b) "Agricultural producer" means a person that:

(A) Produces (including through employees or agents) biomass; and

(B) Transfers that biomass to a person that is a biofuel producer.

(c) "Biofuel producer" is a person that:

(A) Through activities in Oregon, alters the physical makeup of biomass to convert it into a biofuel;

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(B) Through activities in Oregon, changes the biomass from one biofuel to another biofuel; or

(C) Uses biomass in Oregon to produce energy.

(d) "Person" means any of the following:

(A) An individual; or

(B) A legal entity (including but not limited to any domestic or foreign corporation, trust, partnership, or limited liability company), regardless of whether the entity is treated as a separate entity for income tax purposes.

(e) "Transfer" means, with respect to any biomass, a conveyance of ownership of such biomass from an agricultural producer or biomass collector to a biofuel producer. In addition to the receipt required under subsection (2)(d) of this rule, a transfer of biomass must be substantiated with:

(A) Written records, including invoices or a bill of sale, indicating that the producer or collector has conveyed ownership of the biomass to the biofuel producer;

(B) Written statements from the biofuel producer indicating a transfer has occurred; or

(C) Receipts demonstrating that the biomass was transported to a biofuel producer or an agent of the biofuel producer.

(3) Qualifications for the production or collection credit. To qualify for the credit under ORS 315.141, the taxpayer must:

(a) Be a person that is an agricultural producer or biomass collector;

(b) Own or have the contractual rights to the biomass at the time the biomass is transferred to the biofuel producer;

(c) Transfer the ownership or contractual rights in the biomass to a person that is a biofuel producer; and

(d) Obtain from the biofuel producer a written receipt, based on data recorded at the time of the transfer, stating the quantity and type of the biomass and a statement of affirmation that the biomass will be used in Oregon as a biofuel or used in Oregon to produce biofuel. The receipt and statement described in this paragraph must be kept in the taxpayer's records for five years after the tax year in which the credit is claimed.

Example 1: Ed owns forested property in Oregon. Ed hires Kerry to collect wood debris, which qualifies for a biomass tax credit, and delivers it to Woody Pellets, a biofuel producer. Upon delivery, Woody Pellets issues a receipt to Ed with the quantity and a description of the biomass along with an affirmation that the biomass will be used to produce biofuel. Ed, not Kerry, is the person eligible to take the credit for the biomass because he owns the wood debris. Kerry was only hired as Ed's agent to collect and deliver the wood debris and did not have an ownership interest in the debris.

Example 2: Same facts as in Example 1 except that the contract between Ed and Kerry provides that Kerry will own the wood debris once it is removed from Ed's land. When Kerry later delivers the debris to Woody Pellets, Kerry, not Ed, may claim the credit because she owns the biomass being transferred. Ed is not eligible for the credit because Ed relinquished his rights in the biomass to Kerry.

Example 3: Ed, who owns forested property in Oregon, has decided to sell 700 of the 1,000 tons of woody biomass he has collected to Heat Pellets, Inc., a biofuel producer. Ed will transport the remaining 300 tons of woody biomass to his lumber yard where he will convert it into a biofuel. Ed is eligible to claim the credit under ORS 314.141 for the 700 tons of woody biomass he sells to Heat Pellets, Inc. Ed is not eligible to claim the credit under ORS 314.141 for the 300 tons of woody biomass he keeps and transforms into a biofuel because a transfer from a biomass collector (or agricultural producer) to a biofuel producer has not occurred.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 315.141

Hist.: REV 15-2008, f. & cert. ef. 11-14-08; REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-315.144

Transfer of Biomass Credit

(1) As provided by ORS 315.053, a person that has obtained a tax credit under ORS 315.141 may transfer the credit to:

(a) A C corporation;

(b) An S corporation; or

(c) A personal income taxpayer.

(2) Transfers. The value of the credit earned under ORS 315.141 is the greater of the market value upon transfer or the minimum discounted rate established by the Department of Energy. A credit may be transferred or sold only once. In order for the transfer to be effective:

(a) The Department of Energy must certify the credit;

(b) The person who earned the credit must complete and submit the transfer schedule on the back of the certificate provided by the Department of Energy to be attached to the return of the person who transferred the credit (the transferor);

(c) The person who earned the credit and the taxpayer claiming the credit must complete and file a joint statement on a form provided by the Department of Revenue to be attached to the return of the taxpayer receiving the credit (the transferee); and

(d) The credit must be transferred on or before the due date of the tax return (including extensions) for the first tax year in which the credit may

first be claimed. After that date, no portion of the credit allowed under ORS 315.141 may be transferred.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 315.144

Hist.: REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-316.014

Oregon Net Operating Losses — Treatment After 1984

(1) Applicability of this Rule.

(a) This rule applies to the computation of net operating losses occurring in loss years beginning after December 31, 1984; and net operating loss deductions allowed or allowable in tax years beginning after December 31, 1984.

(b) For the computation and application of Oregon net operating losses for loss years beginning before January 1, 1985; net operating loss deductions with regard to loss years beginning before January 1, 1985; and net operating loss carrybacks and net operating loss carryovers applied in tax years beginning before January 1, 1985 that also originated in tax years beginning before January 1, 1985, see OAR 150-316.007.

(2) Definitions for Purposes of this rule.

(a) Prohibited amounts. "Prohibited amounts" means those amounts that the state of Oregon is prohibited from taxing, such as all stocks, bonds, Treasury notes, and other obligations of the United States as provided in **31 United States Code Section 3124**. Prohibited amounts do not include such items as federally taxable social security benefits since Oregon is not prohibited from indirectly taxing such types of income.

(b) Oregon Adjusted Gross Income (Oregon AGI). For a full-year resident, Oregon AGI is generally the same as federal AGI. For a nonresident, "Oregon AGI" means the items included in federal adjusted gross income as defined in IRC Section 62 that relate to Oregon sources without modifications.

(c) Modified Oregon Taxable Income. "Modified Oregon taxable income" means Oregon AGI reduced by the sum of the following:

(A) Oregon itemized deductions. For a resident, Oregon itemized deductions are generally the same amount as federal. For part-year and nonresident taxpayers, Oregon itemized deductions are the Oregon percentage of federal itemized deductions; or

(B) Oregon standard deduction. For part-year and nonresident taxpayers, only the Oregon percentage of the standard deductions can be used;

(C) Federal personal exemption(s); and

(D) Prohibited amounts included in Oregon AGI.

(3) Computation of an NOL for a Resident.

(a) For Oregon purposes, a resident's net operating loss is computed in the same manner as for federal purposes without Oregon modifications. Generally, the Oregon NOL is the same as the federal NOL. The only modification necessary is to subtract prohibited amounts.

(b) The computation of the Oregon NOL begins with the Oregon adjusted gross income (AGI) to arrive at modified Oregon taxable income. Then the modified Oregon taxable income is adjusted as required by IRC Section 172(d).

Example 1. Susan and Joe filed joint 2009 federal and Oregon tax returns. On their federal return, they reported wages of \$26,000, a business loss of \$50,000, a gain on the sale of stock of \$400, and interest income of \$800 from a bank. They also reported total itemized deductions of \$12,800 which were all nonbusiness and claimed personal exemptions of \$7,300. On their Oregon return, Susan and Joe also reported \$500 municipal bond interest from California that was exempt from federal income tax. Their allowable Oregon NOL is computed as follows: [Formula not included. See ED. NOTE.]

Note: Except for prohibited amounts, the Oregon NOL is computed based on the federal NOL method and definitions without Oregon modifications.

Example 2. The facts are the same as in Example 1, except that the interest of \$800 is from U.S. government securities (prohibited amounts). The Oregon NOL for Susan and Joe is (\$24,800) computed as follows: [Formula not included. See ED. NOTE.]

Note: The U.S. government interest (prohibited amounts) is not used in computing Oregon NOL.

(4) Computation of an NOL for a Part-year Resident and a Nonresident

(a) A nonresident is allowed an Oregon NOL for any loss year when the NOL is attributable to Oregon sources. A taxpayer is not allowed an NOL or carryover on the Oregon return if the loss was incurred while the taxpayer was a nonresident and the loss was not attributable to Oregon. The computation of the allowable net operating loss for Oregon purposes begins with Oregon adjusted gross income as defined in this rule. Any modifications provided in IRC Section 172(d) apply to all items of income and deduction as they apply to modified Oregon taxable income with the exception of prohibited amounts.

(b) The IRC Section 172(d) modifications attributable to Oregon sources are the following:

(A) Oregon NOL deduction from prior years included in Oregon income after adjustments.

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- (B) Net Oregon capital loss deduction.
- (C) Federal personal exemption amount.
- (D) Excess of nonbusiness deductions over nonbusiness income included in modified Oregon taxable income.

Example 3. Herb and Sallie are married nonresidents and file a joint 2009 return. On their federal return, they have itemized deductions of \$14,000 (all nonbusiness) and claimed exemptions of \$10,950. They also had a business loss of \$25,000 from Oregon sources and \$1,000 non-Oregon source corporate bond interest. On their Oregon nonresident return, the Oregon percentage is zero (0). They compute their Oregon NOL as follows: [Formula not included. See ED. NOTE.]

Note: The Schedule A itemized deductions are -0- for Oregon purposes because their Oregon percentage is zero.

(5) Application of an NOL.

(a) General rule. An Oregon net operating loss for any loss years is applied in the same manner as the federal net operating loss as provided in IRC Section 172(b). If the loss was not attributable to Oregon sources and was incurred while the taxpayer was a nonresident, there is no Oregon NOL to carry over even if the taxpayer later becomes an Oregon resident. In such cases, the amount of the NOL carryover that is not attributable to Oregon sources is added back on the Oregon resident tax return. If a taxpayer carries back a federal NOL, the taxpayer is treated as carrying the loss back for Oregon purposes as well. If a taxpayer makes an election to carry over the federal NOL, the taxpayer is treated as making the same irrevocable election for Oregon purposes as well.

(b) Exceptions.

(A) If a taxpayer has an Oregon NOL but does not have a federal NOL, the taxpayer may elect to carry the Oregon NOL over to the next succeeding year, if the taxpayer makes an irrevocable election on the timely filed Oregon loss year return (including extensions). If no such election is made, then the taxpayer may only carry the Oregon loss back in the same manner as provided in IRC Section 172(b).

(B) If a taxpayer is not required to file an Oregon return for all years to which the federal NOL deduction (NOLD) is applied, the Oregon NOL is carried back to the year in which the loss may be first applied.

(C) The total number of years to which an NOL may be carried back or forward is the same for Oregon and federal, and is generally determined as follows:

(i) For net operating losses incurred in tax years beginning on or after January 1, 2003, the carry back period is two years with a twenty year carryover period. Oregon follows any exceptions allowed under federal law for these tax years.

(ii) For net operating losses incurred in tax years beginning on or after January 1, 2001 and before January 1, 2003, the carryback period is five years with a twenty year carryover period.

(iii) For net operating losses incurred in tax years beginning on or after August 5, 1997 and before January 1, 2001, the carryback period is two years with a twenty year carry over period.

(iv) For net operating losses incurred in tax years beginning prior to August 6, 1997, the carryback period is three years with a fifteen year carryover period. See IRC 172 and the related regulations for exceptions to the general carryback periods for net operating losses attributable to certain casualty losses, disaster areas and farming losses.

Example 4. Joe has a net operating loss for federal and Oregon for tax year 2009. For federal purposes, Joe carried his federal NOL back to 2007. Since he carried back his loss for federal purposes, he must carry back the loss for Oregon purposes to his 2007 Oregon tax return. If he is not required to file an Oregon tax return for 2007, he may carry his Oregon NOL to his 2008 Oregon tax return.

Example 5. Assume the same facts as in Example 4. However, Joe was not required to file an Oregon tax return prior to tax year 2009. Joe may carry his Oregon NOL over to his 2010 Oregon tax return even if the loss was carried back for federal purposes.

Example 6. As the result of a stimulus bill passed by Congress in 2009, Kerry, an Oregon resident and small business owner, is eligible to carry back her loss up to five years (instead of the normal two years). Kerry chose to carry her loss back five years on her federal return, so she must use the same five year carry back for purposes of her Oregon return.

Example 7. Devin, a Washington resident, incurs a \$25,000 NOL in 2009 from his Washington area business and elects to carry the loss forward. Devin moves to Oregon on January 1, 2010. Since the loss was incurred while Devin was a nonresident of Oregon and the loss is not from an Oregon source, there is no Oregon NOL and Devin must make an addition on his 2010 Oregon return to add back the \$25,000 NOL included in federal adjusted gross income.

(6) A Net Operating Loss Deduction, Carryback and Carryover Amount.

(a) A taxpayer's net operating loss deduction (NOLD), carryback and carryover amount is computed in the same manner as for federal purposes. The method to compute the carryback and carryover amount is not modified for Oregon purposes.

(b) For a full-year resident, generally an NOLD, carryback and carryover amount is the same as for federal purposes except that prohibited amounts as defined in section (2)(a) of this rule are not taken into consideration.

Example 8. John and Joyce incurred losses in 2009 from partnerships and S corporations. They compute an NOL of \$12,000 and elect to carry the loss back. The 2007 return shows negative taxable income, so the 2009 NOL is first applied to 2008 where the loss is completely absorbed. John and Joyce have a federal AGI in 2008 of \$50,000. The fully absorbed 2009 NOL is applied as follows: [Formula not included. See ED. NOTE.]

Example 9. Assume the same facts in Example 8, except that John and Joyce elect to carry forward the 2009 NOL for federal and Oregon purposes. In 2010, John and Joyce have federal AGI of \$15,000 and have reported additions of \$8,000 and subtractions of \$3,000. John and Joyce will apply the NOL to 2010 and compute the amount carried over to 2011 as follows: [Formula not included. See ED. NOTE.]

(c) A part-year resident and a nonresident use the federal method without modifications, except that prohibited amounts are not taken into consideration, and the NOLD, carryback and carryover are based only upon amounts attributable to Oregon sources.

Example 10. In 2008, while residents of California, Ron and Valerie incurred losses from an Oregon partnership creating an Oregon only NOL in the amount of \$85,000. Prior to 2008, neither Ron nor Valerie needed to file Oregon returns. In 2009, Ron and Valerie moved to Oregon and filed a part-year Oregon return. They reported federal income after adjustments of \$385,000, Oregon income after adjustments of \$235,000, and itemized deductions of \$10,000. Ron and Valerie calculate their 2009 Oregon taxable income as follows: [Formula not included. See ED. NOTE.]

Example 11. Scott and Jill live in Vancouver, Washington and Scott operates a business in Oregon. In 2008, Scott and Jill filed a nonresident Oregon return reporting an Oregon only NOL of \$6,000. Scott and Jill elected to carry the NOL forward. In 2009, Scott and Jill reported Oregon income after adjustments of \$1,600, federal income after adjustments of \$32,000, and federal itemized deductions of \$9,200. Their Oregon itemized deductions are \$460 [(\$1,600/\$32,000) x \$9,200]. Scott and Jill calculate their net operating loss deduction for 2009 and the carryover to 2010 as follows: [Formula not included. See ED. NOTE.]

(7) Net Operating Loss Carrybacks to Amnesty Years A net operating loss deduction (NOLD) carried back to an amnesty return (as that term is defined in OAR 150-305.100-(C)) may not result in a refund of any tax reported and paid pursuant to the amnesty program. However, if a NOLD is carried back to a year in which a taxpayer participated in amnesty, a refund that is otherwise allowed may be granted to the extent that the taxpayer has adequate income reported outside the amnesty program to absorb the loss (or portion thereof). A NOLD resulting in a denied refund due to participation in the amnesty program does not change the net operating loss deduction calculation or the amount that can be carried to another tax year.

Example 12. Ed, an Oregon resident, qualified for amnesty in November 2009 and received penalty and interest relief for tax year 2005 under the program. Ed's original 2005 return (which was filed timely on April 17, 2006) showed a tax liability of \$20,000, which Ed paid when he filed his original 2005 return. The amended return for 2005 filed under amnesty increased his tax by an additional \$15,000 for a total of \$35,000 in Oregon tax liability. In tax year 2009 his business experienced a loss that created a net operating loss for tax year 2009. Ed elects to carry the loss back to tax year 2005 and amends his 2005 federal return. On June 1, 2010, he amends his 2005 Oregon return to claim the net operating loss deduction (NOLD). After applying the NOLD, Ed claims an Oregon refund of \$30,000 for 2005. (Ed's 2005 net tax liability has been decreased to \$5,000.) The department agrees with Ed's calculations but only allows a refund of \$20,000 because that is the amount of tax Ed paid for 2005 before the amnesty program. The refund is limited because the law prohibits refunds of tax paid under amnesty. Ed's carryover of the NOLD is not changed because of the amnesty refund denial. Even though the refund was partially denied, the NOLD has been absorbed and there is no carryforward to tax year 2006.

[ED. NOTE: Formulas referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.014

Hist.: RD 4-1986(Temp), f. & cert. ef. 7-29-86; RD 7-1986, f. & cert. ef. 12-31-86; RD 7-1991, f. 12-30-91, cert. ef. 12-31-91; RD 9-1992, f. 12-29-92, cert. ef. 12-31-92; RD 5-1994, f. 12-15-94, cert. ef. 12-31-94; REV 9-1999, f. 12-30-99, cert. ef. 12-31-99; REV 11-2004, f. 12-29-04, cert. ef. 12-31-04; REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

150-316.680(1)(c)-(A)

Subtraction for Military Active Duty Pay

The statutory deduction not to exceed \$6,000 from federal taxable income is applicable only to compensation for services in the Armed Forces and may not be used in the reduction of taxable income from other sources. The \$6,000 amount is in addition to any combat pay excluded from the federal return pursuant to IRC Sec. 112.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 316.680

Hist.: RD 12-1984, f. 12-5-84, cert. ef. 12-31-84; RD 12-1985, f. 12-16-85, cert. ef. 12-31-85; RD 10-1986, f. & cert. ef. 12-31-86; RD 15-1987, f. 12-10-87, cert. ef. 12-31-87; Repealed by RD 7-1991, f. 12-30-91, cert. ef. 12-31-91; RD 9-1992, f. 12-29-92, cert. ef. 12-31-92; REV 10-2010, f. 7-23-10, cert. ef. 7-31-10

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Rule Caption: Urban renewal; appraisal of centrally assessed property; delayed annexations by cities; Local Budget Law, appraisal methodology.

Adm. Order No.: REV 11-2010

Filed with Sec. of State: 7-23-2010

Certified to be Effective: 7-31-10

Notice Publication Date: 6-1-2010

Rules Adopted: 150-308.225, 150-457.440(2)

ADMINISTRATIVE RULES

Rules Amended: 150-294.450(3), 150-308.234, 150-457.430, 150-457.440(9)

Rules Repealed: 150-285C.170, 150-308.027, 150-307.110, 150-307.340

Rules Ren. & Amend: 150-308.205-(B) to 150-308.655

Subject: 150-294.450(3), Transfers of Appropriations, is amended to conform the rule to a new law (SB 916) passed by the 2009 Legislature, effective January 1, 2010. SB 916 changed a long standing provision that only allowed unbudgeted transfers from the General Fund to another fund by governing body resolution. Resolution transfers can now be made from any fund.

150-308.225 Filing Requirements for Delayed “Island” Annexations, is adopted to clarify the filing requirements for annexations by cities under ORS 308.225.

150-308.234, Appraisal of Real Property, is amended to clarify “Market Area” definition, and explain that a market area need not be contiguous properties, or border a subject property.

150-308.205-(B) to 150-308.655: The rule is amended to reference the 2009 version of the Western States Association of Tax Administrators (WSATA) Appraisal Handbook. The handbook is the official appraisal guideline for centrally assessed property under ORS 308.505 to 308.665 for ad valorem taxes. The rule is also renumbered to correspond to the central assessment statute and be located with other centrally assessed rules for ease of location.

150-457.430, Certification of Urban Renewal Frozen Value, Oregon Law 2009, chapter 700 (HB 3056) allows an urban renewal agency to request that a plan’s frozen value be permanently reset to a higher amount. If the frozen value changes, it is necessary to apportion the new frozen value among the code areas. This rule provides instructions for that apportionment. This rule is also needed because the location of centrally assessed utility property sometimes cannot be accurately determined. As a result, the assessor must sometimes apportion its value among the code areas.

150-457.440(2) Notice to Assessor of Amounts to be Raised for Urban Renewal, An urban renewal (UR) agency must notify the county assessor each year of how much division of tax, and possibly special levy the agency desires for each urban renewal plan. The choices that are available to an agency are dependent on the type of plan, are not clearly described in statute, and have just been made more complex by recent legislation (HB 3056). This rule describes the choices for each type of plan and instructs the agencies on the method of the notice. HB 3056 also allows an agency to notify the assessor to permanently increase the frozen value of a plan area. This rule describes the method for that notice.

150-457.440(9), Urban Renewal Certification, Calculation and Distribution, explains how the assessor calculates urban renewal division of tax and special levy. This amendment incorporates the policy changes made by HB 3056 and HB 2809 (2009). It also updates some technical terms to current definitions and adds clarification. It also removes all reference to Option Two plans, none of which still exist.

150-285C.170; 150-307.110; 150-307.340; and 150-308.027: The computer-assisted valuation rule and these exemption rules are no longer necessary.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

150-294.450(3)

Transfers of Appropriations

(1) A transfer of appropriation is a decrease of one existing appropriation and a corresponding increase of another existing appropriation category.

(2) During the fiscal year or budget period the governing body of a municipal corporation may transfer from one existing appropriation category within a fund to another existing appropriation category in the same fund when a resolution or ordinance is adopted that authorizes this transfer. The resolution or ordinance must state the purpose of the transfer, and the amount of the transfer. The appropriation reductions must equal the appropriation increases. The net effect of this change on the total appropriation in the fund must be zero.

(3) Transfer of appropriations and a like amount of budget resources may be made between funds by governing body resolution or ordinance. Transfer of appropriation and a like amount of resources to another fund is accomplished by increasing or creating, a “transfer to other funds” appropriation category in the fund from which the transfer is made. The amount of this increased or created appropriation must be offset by reductions in one or more other appropriation categories in the fund from which the transfer is made. The net effect of this change on the total appropriation in the fund from which the transfer is made must be zero. Appropriation categories in the receiving fund are increased by the amount of the transfer, and the budget resources available to that fund are increased by the amount of resources transferred from the fund from which the transfer is made.

(4) Transfers referred to in this rule apply to transfers that occur after the budget has been approved and that are made during the fiscal year or budget period for which the appropriations are made. Nothing in this rule prohibits or regulates lawful transfers that have been budgeted in accordance with local budget law.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 294.450

Hist.: RD 5-1985, f. 12-26-85, cert. ef. 12-31-85; REV 2-2002, f. 6-26-02, cert. ef. 6-30-02; REV 11-2010, f. 7-23-10, cert. ef. 7-31-10

150-308.225

Filing Requirements for Certain Delayed Annexations by Cities

(1) This rule applies to delayed annexations by cities allowed under ORS 222.750. In these annexations, all nonresidential zoned property and all residentially zoned property in nonresidential use become annexed immediately, while all properties zoned for and in residential use are annexed on a delayed basis, with the length of the delay specified by the ordinance or resolution. Properties subject to delay are annexed immediately upon transfer of ownership.

(2) For purposes of ad valorem taxation, the requirements for notification can be found in ORS 308.225, and the procedure is as follows:

(a) During initial submission of a code boundary change request for annexation of unincorporated territory subject to delayed annexation under ORS 222.750, the map and legal description must at a minimum describe the initially annexed properties. If describing the entire exterior boundary of the annexation in the initial submission, any areas subject to delayed annexation must be clearly excepted by separately describing the areas and noting them on the filed map.

(b) A code boundary change request must be submitted for any property subject to delayed annexation that becomes part of the city before the end of its delay period due to transfer of ownership.

(c) If not described in a previous submission, a code boundary change request must be submitted for any remaining properties at the conclusion of their delay.

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 308.225

Hist.: REV 11-2010, f. 7-23-10, cert. ef. 7-31-10

150-308.234

Appraisal of Real Property

The following constitutes standards for the valuation of real property except for property assessed under ORS 308.505 to 308.665 and ORS 308.805 to 308.820.

(1) Industrial property. In the case of industrial properties, appraisals must conform with the following conditions:

(a) Basic data and supplemental data for an appraisal must be the same as required in ORS 308.290 and 308.411. Valid data in any previous appraisal such as property descriptions, inventory listing, maps, etc., may be used in the appraisal.

(b) An appraisal as provided by the industrial property return process is not an appraisal contemplated under ORS 308.234.

(c) A valuation review as provided in OAR 150-308.205(2) is an appraisal as contemplated under ORS 308.234, if the valuation review meets the requirements of 308.411.

(d) Nothing in this rule is intended to invalidate any assessment that appears on the assessment roll.

(2) All other real property. Real property must be valued at its real market value (RMV) using methods approved by the department and the results must meet the performance standards required by this rule.

(a) The following definitions apply for the purposes of this rule:

(A) “Coefficient of dispersion” (COD) is the average absolute deviation of a group of numbers from the median expressed as a percentage of the median. In ratio studies, it refers to the average absolute deviation from the median ratio, expressed as a percent of the median ratio.

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(B) "Homogeneous" describes a market area where the properties have a high degree of similarity in one or more of the following: type, use, quality, or condition.

(C) "Market area" is defined as a group of properties that share important characteristics affecting their value. It may be defined along physical/geographical or abstract boundaries or, as in the case of commercial property, according to use. Properties included in a market area do not have to be contiguous.

(D) "Nonhomogeneous" means market areas that do not meet the definition of "homogeneous."

(b) ORS 308.232 requires that all real property be valued at 100 percent of its RMV. Achieving and maintaining RMV is measured by the ratio study. Ratios must be computed for each market area, where possible. In market areas where the amount of sales data is insufficient for statistical analysis, one or more of the following actions should be taken to provide adequate data:

(A) A two-year sales sample may be used;

(B) Comparable market areas may be combined; or

(C) Appraisal ratio data may be included.

(c) Criteria for results-based valuation standards:

(A) RMV at 100 percent.

(B) COD standards for measuring equity of RMV: [Formula not included. See ED. NOTE.]

(C) Exceptions to COD standards. When a market area does not meet the standards because of a market anomaly, the correction may be delayed until the following year, waived, or have alternate standards applied, as approved by the Department of Revenue.

(d) The department will determine compliance with standards of this rule by annual reviews of the results determined by the county.

(A) If compliance deficiencies are found, the department must make written notification to the assessor of the deficiencies and identify appropriate corrective action. Within 30 days of notification of the deficiencies, the assessor must respond in writing to the department as to the action to be taken to correct the identified deficiencies.

(B) In the event an assessor's program has been found to be deficient and the assessor does not take action to correct the deficiencies as outlined in the department's written notification, the department will take action as required by ORS 308.062.

[ED. NOTE: Formulas referenced are available from the agency.]

Stat. Auth.: ORS 305.100

Stats. Implemented: ORS 321.234

Hist.: 8-65; 1-66; 3-70; 9-70; 9-71; 8-72; TC 10-1978, f. 12-5-78, cert. ef. 12-31-78; REV 4-1998, f. & cert. ef. 6-30-98; REV 9-1998, f. 12-11-98, cert. ef. 12-31-98; REV 12-1998, f. 12-29-98, cert. ef. 12-31-98; REV 6-2001, f. & cert. ef. 12-31-01; REV 11-2010, f. 7-23-10, cert. ef. 7-31-10

150-308.655

Centrally Assessed Property – Appraisal Guidelines

The 2009 Western States Association of Tax Administrators Appraisal Handbook: Unit Valuation of Centrally Assessed Properties is adopted as the official valuation guide for property assessed by the Oregon Department of Revenue under ORS 308.505 to 308.665 for ad valorem tax purposes.

[Publications: Contact the Oregon Department of Revenue for information about how to obtain a copy of the publication referred to or incorporated by reference in this rule pursuant to ORS 183.360(2) and 183.355(1)(b).]

Stat. Auth.: ORS 305.100, 308.655

Stats. Implemented: ORS 308.655

Hist.: TC 17-1979, f. 12-20-79, cert. ef. 12-31-79; RD 2-1990, f. & cert. ef. 3-15-90; Renumbered from 150-308.205-(B), REV 11-2010, f. 7-23-10, cert. ef. 7-31-10

150-457.430

Certification of Urban Renewal Frozen Value and Apportioning Value to Tax Code Areas

(1) "Frozen value" as used in this rule has the same meaning as in OAR 150-457.440(9).

(2) All certified statements and amendments filed under ORS 457.430 before September 29, 1991, continue to remain in effect, unless subsequently amended pursuant to this rule. The total true cash value contained in those certified statements constitutes the total assessed value for purposes of this section.

(3) The certified statement of the total assessed value of all taxable real and personal property contained in the urban renewal area (the frozen value), that is filed by the assessor pursuant to ORS 457.430 must include totals by code area and by taxing district.

(4) If an urban renewal agency wants to limit future collections for a plan by permanently increasing the plan's frozen value pursuant to ORS 457.455(2), the agency must do so by completing the portion of

Department of Revenue Form UR-50 Notice to Assessor that is provided for that purpose, stating the plan name and the new frozen value amount.

(5) If an agency with an Option Three plan notifies the assessor to permanently increase the plan's frozen value under section (4) of this rule, the formal action taken by the agency to authorize the notice must not be in the form of an ordinance or an amendment to the certified statement filed under ORS 457.430.

(6) If an agency notifies the assessor to permanently increase a plan's frozen value, the assessor must amend the certified statement filed under ORS 457.430, using the frozen value stated by the agency on Form UR-50.

(7) The assessor must apportion to the tax code areas in the plan area, the total frozen value stated by the agency in its notice, in the same proportions as the most recent previously certified frozen value was distributed among the code areas.

(8) The notice described in section (4) of this rule must be submitted to the assessor by July 15 to apply to the next tax roll.

(9) If the location of property that is centrally assessed by the Department of Revenue pursuant to ORS 308.505 to 308.665 or 308.805 to 308.820 cannot be determined, the assessor must apportion the assessed value of that property among the code areas in the same proportions as the assessed value of all real property is distributed among the code areas on the last roll certified.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100, 457.470

Stats. Implemented: ORS 457.430

Hist.: RD 9-1990, f. 12-20-90, cert. ef. 12-31-90; RD 3-1991, f. 12-30-91, cert. ef. 12-31-91; REV 11-2010, f. 7-23-10, cert. ef. 7-31-10

150-457.440(2)

Notice to Assessor of Amounts to be Raised for Urban Renewal

(1) "Frozen value," "increment value," "increment value used" and "maximum authority" as used in this rule have the same meanings as in OAR 150-457.440(9).

(2) The notice to the assessor required by ORS 457.440(2) must be made using Department of Revenue Form UR-50 Notice to Assessor.

(3) An urban renewal agency with an Option One plan may request on Form UR-50:

(a) One hundred percent of the amount available to the plan from division of tax under ORS 457.440 plus, if the amount estimated to be received from ORS 457.440 is not sufficient to meet the budgeted obligations of the plan, a special levy in any amount up to the remainder of the plan's maximum authority, or

(b) An amount of increment value used that the agency estimates will raise some lesser amount of division of tax, as provided under ORS 457.455(1).

(4) If an agency with an Option One plan requests one hundred percent of the division of tax under subsection (3)(a) of this rule, a request for a special levy must state the dollar amount to be raised or the percentage of the remainder of the plan's maximum authority that the agency wants.

(5) If an urban renewal agency with an Option One plan requests an amount of increment value used under subsection (3)(b) of this rule, the plan may not request a special levy.

(6) An urban renewal agency with an Option Three plan may request:

(a) The amount of division of tax stated in the ordinance adopted under ORS 457.435 selecting Option Three, plus a special levy; or

(b) An amount of increment value used that the agency estimates will raise some lesser amount of division of tax as provided under ORS 457.455(1), plus a special levy.

(7) If an urban renewal agency with an Option Three plan requests an amount of increment value used, under subsection (6)(b) of this rule and a special levy:

(a) The amount of special levy requested may not exceed the amount calculated by subtracting the amount of division of tax stated in the ordinance adopted under ORS 457.435 selecting Option Three from the plan's maximum authority as limited by ORS 457.435(3).

(b) The request for a special levy must state the dollar amount to be raised or the percentage of the amount calculated in subsection (7)(a) of this rule that the agency wants.

(8) An urban renewal agency with a plan other than an Option One plan or an Option Three plan may request:

(a) One hundred percent of the amount available to the plan from division of tax under ORS 457.440; or

(b) An amount of increment value used that the agency estimates will raise some lesser amount of division of tax, as provided under ORS 457.455(1) or 457.470.

(9) If an urban renewal agency requests a permanent increase in the amount of frozen value in the certification filed by the assessor under ORS

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457.430, as provided in ORS 457.455(2), the agency must notify the assessor of the new frozen value by completing the portion of the Form UR-50 provided for that purpose, stating the plan name and the new frozen value amount. The form must be submitted to the assessor in accordance with OAR 150-457.430.

(10) If an urban renewal agency with an Option One plan notifies the assessor to permanently increase the plan's frozen value under section (9) of this rule, the plan may never again request a special levy.

(11) If an agency with an Option Three plan notifies the assessor to permanently increase the plan's frozen value under section (9) of this rule, the formal action taken by the agency to authorize the notice must not be in the form of an ordinance or an amendment to the certified statement filed under ORS 457.430.

(12) If Portland Public School District wishes to exclude from urban renewal division of tax for the current fiscal year that portion of its permanent tax rate limitation by which that limitation was increased upon retirement of the district's gap bonds, the district must notify the assessors of each county in which division of tax is calculated using the district's permanent rate. This notification must be submitted to the assessors with Department of Revenue Form ED-50 Notice to Assessor and show both the tax rate to be excluded from division of tax and the tax rate under the district's permanent rate limitation that the district wishes to impose for district operations. The maximum rate that can be excluded from division of tax is \$0.5038 per \$1,000 of assessed value.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100, ORS 457.470

Stats. Implemented: ORS 457.010, 457.440, 457.455, 457.470.

Hist.: REV 11-2010, f. 7-23-10, cert. ef. 7-31-10

150-457.440(9)

Urban Renewal Certification, Calculation and Distribution

(1) Definitions: For purposes of this rule:

(a) "Consolidated billing tax rate" means:

(A) For reduced rate plans, the total of all taxing district billing tax rates used to extend taxes, after any adjustments to reflect tax offsets, but does not include:

(i) Any urban renewal special levy rate;

(ii) Any local option tax rate if the tax was approved by the voters after October 6, 2001;

(iii) Any exempt bonded indebtedness tax rate (except for Portland Police and Fire Pension and Disability bonds, if so issued) approved by the voters after October 6, 2001; or

(iv) The portion of Portland Public School District's permanent rate levy described in OAR 150-457.440(2) section (13) that the district notifies the assessor to exempt from division of tax.

(B) For standard rate plans, the total of all taxing district billing tax rates used to extend taxes, after any adjustments to reflect tax offsets, but does not include any urban renewal special levy rate.

(b) "Division of tax" means:

(A) For purposes of determining the amount of division of tax to use in tax calculation, the amount calculated by multiplying the tax rate for each taxing district levy in a code area by the increment value used in that code area and summing the product for all code areas in the plan area. Only those taxing district tax rates that are part of the consolidated billing tax rate for that plan are used for this calculation.

(B) For purposes of computing the estimate of the division of tax portion of the maximum authority for existing plans, the amount calculated by multiplying the consolidated billing tax rate for the code area by the increment value used in the code area and summing the product for all code areas in the plan. Only those taxing district tax rates that are part of the consolidated billing tax rate are used for this calculation.

(c) "Division of tax rate" means the rate determined for each taxing district levy within the consolidated billing tax rate for an urban renewal plan. This rate is calculated by dividing the division of tax amount by the taxable assessed value of any shared property for that district. This is the rate that is multiplied by the taxable assessed value of any shared property of the district to determine the amount of division of tax extended before compression on that property from that levy for that plan.

(d) "Existing plan" means an urban renewal plan that provides for a division of ad valorem property taxes as described under ORS 457.420 to 457.460, adopted by ordinance before December 6, 1996, that meets the conditions of ORS 457.010(5).

(e) "Frozen value" means:

(A) The assessed value of the property in an urban renewal plan area at the plan's inception, as certified by the assessor under ORS 457.430 and OAR 150-457.430; or

(B) The value stated by the agency in the notice to the assessor pursuant to ORS 457.455(2).

(f) "Increment value" means the positive value obtained by subtracting the frozen value in a plan area from the total assessed value in a plan area, calculated code area by code area. Negative results are disregarded, resulting in the code area having zero increment value.

(g) "Increment value used" means:

(A) For an Option Three existing plan, that portion of the increment value in the plan area necessary to raise the amount of division of tax stated in the ordinance selecting Option Three that was adopted by the urban renewal agency under ORS 457.435, or a lesser amount of increment value specified by the agency under paragraph (B) of this subsection.

(B) For plans for which the urban renewal agency specifies, pursuant to ORS 457.455(1) or 457.470, an amount of assessed value less than the full increment amount that is available, the amount of increment value specified. The assessor must apportion to the code areas in the plan area the amount of increment specified by the agency.

(C) For all other plans "increment value used" means "increment value."

(h) "Maximum authority" means the limitation on the amount of revenue to be raised for the year for an existing plan area, as described in ORS 457.435(3). Only plans that are existing plans have a maximum authority amount. The maximum authority is adjusted each year to reflect growth in assessed value within the plan area as provided in ORS 457.435(3)(b).

(i) "Rate computation value" means the total assessed value in an ad valorem taxing district, plus the value of Fish and Wildlife properties and of Non-Profit Housing properties, minus urban renewal increment value used.

(j) "Reduced rate plan" means any urban renewal plan that is:

(A) Adopted before December 6, 1996, designated as an existing plan, and also designated as an Option One plan;

(B) Adopted before December 6, 1996, was an existing plan designated as an Option One plan on October 6, 2001, and was substantially amended as described in ORS 457.085(2)(i)(A) or (B) on or after October 6, 2001;

(C) Adopted on or after October 6, 2001; or

(D) Adopted before December 6, 1996, and the governing body of the city or county that adopted the plan irrevocably elects to change the plan from being a standard rate plan to a reduced rate plan, pursuant to ORS 457.445, and provides the assessor by July 15 of the first tax year it is effective, a copy of the resolution or ordinance making the election.

(k) "Shared property" is property that is both within a taxing district that overlaps an urban renewal plan area, and within the boundaries of a municipality that activated an urban renewal agency. It also includes any area of a plan that extends beyond the boundaries of the activating municipality for that plan.

(1) "Standard rate plan" means an urban renewal plan that is not a reduced rate plan.

(2) Urban renewal agencies making use of tax increment financing must certify their tax increment financing request to the county assessor under ORS 310.060 and pursuant to OAR 150-457.440(2) by July 15 using Department of Revenue Form UR-50 Notice to Assessor for the current tax year. The assessor may, for cause, grant an extension of this date up to October 1.

(3) The assessor must separately calculate the estimated revenue to be raised from each plan area within the territory of a taxing district. To make this calculation the assessor must:

(a) Determine whether the plan is a standard rate plan or a reduced rate plan. Calculate the consolidated billing tax rate accordingly;

(b) Determine the maximum authority of an existing plan by multiplying last year's maximum authority by the percentage growth in plan increment value this year as provided in ORS 457.435(3);

(c) Determine the estimated amount to be raised by the division of tax for the plan. For each code area within the plan area, multiply the consolidated billing tax rate by the increment value used in the code area. Add the amounts of all code areas within a plan; and

(d) Determine the maximum amount of the special levy, if any, for each existing urban renewal plan by subtracting the estimated amount to be raised by the division of tax from the maximum authority of the plan. The maximum special levy cannot be less than zero.

(4) If the plan is an Option One plan:

(a) The assessor must calculate the maximum amount of urban renewal taxes to be raised through the division of tax as provided in section (3) of this rule, or a lesser amount of division of tax using the increment value

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used that is specified by the agency, according to the agency's certification on Form UR-50.

(b) If the agency requests one hundred percent of the division of tax and a special levy amount on Form UR-50, the assessor must calculate and extend a special levy for the amount certified, provided the total amount of the special levy plus the estimated division of tax amount is equal to or less than the maximum authority of the plan as determined under subsection (3)(b) of this rule.

(c) If the total of the special levy certified for the plan area plus the estimated division of tax amount computed for the plan by the assessor exceeds the maximum authority of the plan, the assessor must reduce the amount of the special levy until the total of the special levy and the estimated division of tax amount equals the maximum authority for the plan.

(d) If, instead of requesting one hundred percent of division of tax, an agency certifies on Form UR-50 an amount of increment value used, the assessor must not calculate a special levy for that plan.

(5) If the plan is an Option Three plan:

(a) The agency must certify on Form UR-50 the amount stated in the ordinance selecting Option Three as the amount to be collected through the division of taxes, or the amount of increment value that the agency estimates will raise some lesser amount of division of tax.

(b) If the agency certifies the amount of division of tax stated in the ordinance selecting Option Three, the assessor must calculate the amount of increment value necessary to raise the division of tax amount stated in the ordinance. The amount calculated by the assessor is the increment value used.

(c) If the agency certifies the amount of increment value that the agency estimates will raise some lesser amount of division of tax, the amount specified is the increment value used.

(d) If the agency certifies a special levy and certifies the amount of division of tax stated in the ordinance selecting Option Three, and the total special levy plus the estimated division of tax amount computed for the plan by the assessor exceeds the maximum authority of the plan, the assessor must reduce the special levy until the total of the two equals the maximum authority.

(e) If the agency certifies a special levy and certifies an amount of increment value used that the agency estimates will raise an amount of division of tax that is less than the amount stated in the ordinance selecting Option Three, and the total of the special levy plus the estimated division of tax amount computed by the assessor using that amount of increment value exceeds the total that would have been available under the plan's maximum authority had the agency certified the amount of division of tax stated in the ordinance selecting Option Three, the assessor must reduce the special levy amount so that the total of the special levy and the estimated division of tax equals the total that would have been available under the plan's maximum authority, had the agency certified the amount of division of tax stated in the ordinance selecting Option Three.

(6) If the plan is not an existing plan, the agency must certify on Form UR-50:

(a) One hundred percent of the amount of division of tax; or

(b) The amount of increment value used that the agency estimates will raise some lesser amount of division of tax, pursuant to ORS 457.455(1) or 457.470.

(7) The assessor must:

(a) Apportion the increment value used to the code areas in the plan area in the same proportions as the increment value is distributed among those code areas.

(b) If the full increment value in a code area is less than the amount of increment value used that is apportioned to the code area under subsection (7)(a) of this rule, the assessor must calculate the division of tax using the full increment value. No increment value is then used in calculating the taxes of the ad valorem taxing districts for the year.

(c) If the full increment value exceeds the amount of the increment value used, the assessor must use the remaining increment value in calculating the taxes of the ad valorem taxing districts for the current year.

(8) The assessor must:

(a) Use the rate computation value in calculating taxes for a taxing district that has an urban renewal plan area within its boundaries and whose rate is part of the consolidated billing tax rate for the plan.

(b) Calculate the urban renewal special levy tax rate for each plan area using the current year taxable value of all taxable property in the municipality that adopted the plan and any portion of the urban renewal plan area outside of the municipality. Current year taxable value includes the value of Non-profit Housing properties, Fish and Wildlife properties and urban renewal increment value.

(c) Calculate urban renewal special levy tax rates on a plan area by plan area basis. If one plan area of an agency extends beyond the boundary limits of the activating municipality, only the special levy rate for that plan area is extended beyond the boundaries of the municipality.

(d) Unless otherwise specifically provided by law, no tax offset applies to the special levy rate.

(9) The assessor must determine the tax rate for each code area for each tax levy that an ad valorem district certifies as follows:

(a) Determine the rate certified by the district for tax rate levies or calculate a tax rate for dollar amount levies;

(b) Subtract any offsets as applicable; and

(c) Subtract any division of tax rate for that district applicable to that code area from the result of subsection (9)(b) of this rule.

(10) The assessor must calculate a total division of tax rate for each code area. This is the total of the division of tax rates from all of the levies from all taxing districts with shared property in that code area, if such rates are in the consolidated billing tax rate.

(11) The division of tax rate may have two components. One is the total of rates derived from any local option tax levies. The other component is the total of rates derived from any other levies. The assessor must treat the amount of taxes derived from each of the two total rates separately for purposes of determining compliance with the limitations of section 11(b) Article XI of the Oregon Constitution.

(12) The assessor must calculate the amount of tax on each account that is distributed to each urban renewal agency as follows:

(a) For each property within a shared property area the assessor must calculate the division of tax amount extended by multiplying the taxable assessed value of the account by the division of tax rate for each plan area.

(b) For each property within a shared property area that has an urban renewal special levy, the assessor must calculate the amount extended for the special levy by multiplying the taxable assessed value of the account by the rate calculated for each urban renewal special levy.

(c) All urban renewal special levy and division of tax amounts must be categorized as being subject to the general government limitation under ORS 310.150. If taxes exceed the limitations in either category of section 11(b) Article XI of the Oregon Constitution, the assessor must reduce the taxes to the category limit. The division of tax portion derived from local option levies must be reduced proportionately with all other local option levies under the general government category before any other taxes in the category are reduced.

(13) The special levy and the division of tax must be imposed on all taxable property in the municipality that activated the urban renewal agency and any portion of the urban renewal plan area outside of the municipality that is shared property for that plan.

(14) The tax statement must display at a minimum for each agency, under the general government category, the total combined dollar amount imposed for the urban renewal special levy and the division of tax for that account.

(15) In preparing the percentage distribution schedule under ORS 311.390, the tax collector must use the dollar amount generated for urban renewal division of tax and the dollar amount imposed for urban renewal special levy for each urban renewal agency.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100, 457.470

Stats. Implemented: ORS 457.440, 457.445, 457.455, 457.470

Hist.: REV 13-1999, f. 12-30-99, cert. ef. 12-31-99; REV 1-2002, f. & cert. ef. 5-23-02; REV 7-2008, f. 8-29-08, cert. ef. 8-31-08; REV 11-2010, f. 7-23-10, cert. ef. 7-31-10

Rule Caption: Deduction for severance pay invested in small business.

Adm. Order No.: REV 12-2010(Temp)

Filed with Sec. of State: 7-23-2010

Certified to be Effective: 7-23-10 thru 12-31-10

Notice Publication Date:

Rules Adopted: 150-316.ORLAWS2010.CH66

Subject: To explain requirements for claiming a severance pay subtraction in accordance with Chapter 66, Oregon Laws 2010 (House Bill 3627). The rule further defines statutory terms, including what it means to invest severance pay and to materially participate in a small business.

Rules Coordinator: Debra L. Buchanan—(503) 945-8653

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150-316.ORLAWS2010.CH66

Subtraction for Qualified Investment of Severance Pay

(1) Definitions. For the purposes of Chapter 66, Oregon Laws 2010 (House Bill 3627) and this rule:

(a) "Invest" means to exchange cash for equity, debt, convertible debt, or management responsibilities, accompanied by terms that substantiate ownership or control of an interest in a business. "Invest" does not mean to make a loan to a business.

(b) "Material participation" means regular, continuous, and substantial participation in the small business. A taxpayer is considered to have materially participated in the small business if the taxpayer:

(A) Worked for the small business for more than 500 hours in both of the 12 month periods required under section 2(b) of this rule;

(B) Worked for the small business for more than 100 hours in both of the 12 month periods required under section 2(b) of this rule and at least as much as any other owner or employee; or

(C) Performed substantially all the work in the small business.

(c) "Severance pay" means compensation payable, other than back wages, vacation pay or sick pay, on voluntary termination or involuntary termination of employment based on length of service, a percentage of final salary, a contract between the employer and the employee, or some other reasonable method. "Severance pay" does not include retirement income as defined in ORS 316.127(9).

(d) "Small business" means a corporation, partnership, sole proprietorship or other legal entity formed for the purpose of making a profit, which is independently owned and operated from all other businesses and which has 50 or fewer employees.

(2) Qualifications. Severance pay that a taxpayer receives during the tax year and invests in a new or existing small business in Oregon may be subtracted from federal taxable income if:

(a) The investment occurs on or before the due date of the return, including extensions, for the first tax year in which the subtraction may first be claimed;

(b) The investment continues for at least 24 consecutive calendar months following the termination of employment (for example - July 13, 2010 through July 12, 2012);

(c) The small business is not the employer that paid the severance pay and does not have any owner in common with the employer that paid the severance pay;

(d) No subtraction has previously been claimed under this section;

(e) The taxpayer completes a form provided by the department that is attached to the return of the taxpayer or is otherwise maintained or filed pursuant to form instructions; and

(f) The taxpayer materially participates in the small business for the period required under subsection (b) of this section.

(3) The taxpayer must demonstrate to the department's satisfaction that the small business is carrying on an activity for profit. If requested, the taxpayer must provide documentation to that effect to the department. In making such a determination, the department may consider the following nonexclusive list of factors:

(a) Whether the small business keeps and maintains a detailed business plan that includes strategies or methods to make a profit or improve profitability;

(b) Whether separate books, records and bank account(s) are maintained for the small business;

(c) Whether the taxpayer carries on the activity in a businesslike manner.

(4) Severance pay received as an annuity. Only cash invested on or before the due date of the return, including extensions, qualifies for this subtraction. Any severance pay invested after the return is filed does not qualify for a subtraction under this section.

(5) Severance pay received as stock options. All stock options must be converted to cash before being invested to qualify for a subtraction under this section.

(6) The subtraction may not exceed the lesser of:

(a) The minimum balance of principal that remains invested by the taxpayer in the small business at the close of any month during the 24 consecutive calendar months following the termination of employment; or

(b) \$500,000.

(7) Interest accrues as provided in ORS 305.220 on any unpaid tax attributable to any disallowance or withdrawal of principal.

Example 1: Maggie was terminated from employment on October 1, 2010, and received severance pay of \$50,000 as a condition of her termination. On April 1, 2011, Maggie filed her personal income tax return, for which she had not requested an extension of time to file. On August 11, 2011, Maggie invested the severance pay in a qualifying small business. Maggie does not qualify for the subtraction because she did not invest the severance pay by the due date of the return.

Example 2: Joe was terminated from employment on July 1, 2010, and received severance pay of \$20,000 as a condition of his termination. Joe invested the entire \$20,000 in Company A, which qualifies as a small business, on September 1, 2010, and took a \$20,000 subtraction on his 2010 return. On January 30, 2012, Joe withdrew the entire \$20,000 he invested. Joe must file an amended return for tax year 2010 to remove the \$20,000 subtraction (and pay any additional tax and interest that may be due) because he did not continue the investment for at least 24 consecutive months following the termination of employment.

Example 3: Alicia was terminated from employment on October 1, 2010, and received severance pay of \$80,000 as a condition of her termination. Alicia invested the entire \$80,000 in Company B, which qualifies as a small business, on December 1, 2010. Alicia took an \$80,000 subtraction on her 2010 personal income tax return. On July 30, 2012, Alicia withdrew \$20,000 of principal from her initial investment for personal use. Alicia must amend her 2010 return to remove \$20,000 of the subtraction (and pay any additional tax and interest that may be due).

Example 4: Ryan was terminated from employment on October 1, 2010. He received severance pay in the form of a \$1,000 a month annuity over 5 years beginning in October of 2010. Ryan accumulated his severance payments for 6 months and invested the \$6,000 in a small business. He claimed a subtraction of \$6,000 on his return he filed on April 1, 2011. Ryan continues to accumulate his severance pay for the next year and invests another \$12,000 in the small business on March 1, 2012. Ryan cannot claim a subtraction for the additional severance pay he invested because it was invested after the return was filed.

(8)(a) If the small business is doing business both in Oregon and some other place outside of Oregon, the amount of the subtraction allowed is generally determined by multiplying the total qualifying amount of severance pay invested by the sales factor determined under ORS 314.665 and associated administrative rules.

(b) The taxpayer may present an alternate method of calculating the amount of the qualified subtraction if the calculation under subsection (a) does not result in a reasonable reflection of the extent of the business activity in Oregon. In order to be considered reasonable, the method of calculation must take into account the business activity taking place within Oregon versus the activity taking place outside of Oregon. The method must be fully described in an attachment to the taxpayer's return on which the subtraction is claimed.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 305.100, Ch. 66, OL 2010 (House Bill 3627)

Stats. Implemented: Ch. 66, OL 2010 (House Bill 3627)

Hist.: REV 12-2010(Temp), f. & cert. ef. 7-23-10 thru 12-31-10

Department of Transportation Chapter 731

Rule Caption: Procedures for grants and loans under the Multimodal Transportation Fund program.

Adm. Order No.: DOT 2-2010

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10

Notice Publication Date: 6-1-2010

Rules Amended: 731-035-0020, 731-035-0040, 731-035-0060, 731-035-0070, 731-035-0080

Subject: The amended rules implement Section 10(1) of HB 2001 to allocate at least five percent of the net proceeds of lottery bonds used for the ConnectOregon III program to rural airports and to eliminate the two percent multimodal study fee required of all recipients of grants/loans under the Multimodal Transportation Fund.

Rules Coordinator: Lauri Kunze—(503) 986-3171

731-035-0020

Definitions

For the purposes of division 35 rules, the following terms have the following definitions, unless the context clearly indicates otherwise:

(1) "Agreement" means a legally binding contract between the Department (or Oregon Department of Aviation) and Recipient that contains the terms and conditions under which the Department is providing funds from the Multimodal Transportation Fund for an Approved Project.

(2) "Applicant" means a Person or Public Body that applies for funds from the Multimodal Transportation Fund.

(3) "Approved Project" means a Project that the Commission has selected to receive funding through either a grant or loan from the Multimodal Transportation Fund.

(4) "Area Commissions on Transportation" means advisory bodies chartered by the Oregon Transportation Commission (OTC) through the Policy on Formation and Operation of Area Commissions on Transportation (ACTs) approved by the OTC on June 18, 2003.

(5) "Aviation" is defined in ORS 836.005(5).

(6) "Collateral" means real or personal property subject to a pledge, lien or security interest, and includes any property included in the definition

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of collateral in ORS 79.0102(1), and with respect to a Public Body, any real or personal property as defined in ORS 288.594.

(7) "Commission" means the Oregon Transportation Commission.

(8) "Department" means the Oregon Department of Transportation.

(9) "Director" means the Director of the Oregon Department of Transportation.

(10) "Department of Aviation" means the Oregon Department of Aviation (ODA).

(11) "Oregon Business Development Department" means the department defined in ORS 285A.070.

(12) "Freight Advisory Committee" means the committee created in ORS 366.212.

(13) "Person" has the meaning given in ORS 174.100(5), limited to those Persons that are registered with the Oregon Secretary of State to conduct business within the State of Oregon.

(14) "Program" means the Multimodal Transportation Fund Program established by division 35 rules to administer the Multimodal Transportation Fund.

(15) "Program Funds" means the money appropriated by the Legislature to the Multimodal Transportation Fund. These funds may be used as either grants or loans to eligible projects.

(16) "Public Body" is defined in ORS 174.109.

(17) "Public Transit Advisory Committee" means a committee appointed by the Director and approved by the Commission to advise the Department on issues, policies and programs related to public transportation in Oregon.

(18) "Rail Advisory Committee" means a committee appointed by the Director and approved by the Commission to advise the Department on issues, policies and programs that affect rail freight and rail passenger facilities and services in Oregon.

(19) "Recipient" means an Applicant that enters into Agreement with the Department to receive funds from the Multimodal Transportation Fund.

(20) "Recipient's Total Project Costs" means the funds received from the Multimodal Transportation Fund program plus the required 20 percent matching funds under Oregon Administrative Rule 731-035-0070(3)(a)(B), if applicable.

(21) "Receive Federal Grants" means execution of a grant agreement with any agency of the United States.

(22) "Rural Airports" means any airport that principally serves a city or standard metropolitan statistical area with a population of 500,000 or fewer, and is eligible for Federal Aviation Administration Airport Improvement Program funds.

(23) "State Aviation Board" means the board created in ORS 835.102.

(24) "Transportation Project" or "project" is defined in ORS 367.010(11). A Multimodal Transportation Fund Program Project must involve one or more of the following modes of transportation: air, marine, rail or public transit. The term includes, but is not limited to, a project for capital infrastructure and other projects that facilitate the transportation of materials, animals, or people.

(25) "Rural Airport Project" is a transportation project the five percent of the net proceeds of the lottery bonds allocated to Rural Airports in Section 10(1) of Chapter 865, OL 2009.

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

Stats. Implemented: Ch. 816, OL 2005

Hist.: DOT 8-2005(Temp), f. 11-17-05, cert. ef. 11-21-05 thru 5-19-06; DOT 3-2006, f. & cert. ef. 1-24-06; DOT 5-2007, f. & cert. ef. 11-15-07; DOT 3-2009, f. & cert. ef. 11-17-09; DOT 2-2010, f. & cert. ef. 7-30-10

731-035-0040

Application Requirements

(1) Applicants interested in receiving funds from the Multimodal Transportation Fund must submit a written application to the Department. The application must be in a format prescribed by the Department and contain or be accompanied by such information as the Department may require, including the expected results from the proposed Project for each of the considerations as prescribed in 731-035-0060, documented desire for and support of the Project from the businesses and entities to be served by the Project, and documentation to validate the Project schedule and costs.

(2) Notwithstanding section 1 of this rule, applicants interested in receiving funds from the Multimodal Transportation Fund for Rural Airports must submit a written application to the Department of Aviation (ODA). The application must be in a format prescribed by ODA and contain or be accompanied by such information as ODA may require, including the expected results from the proposed Project for each of the considerations as prescribed in 731-035-0060, documented desire for and support of the Project from the businesses and entities to be served by the Project, and documentation to validate the Project schedule and costs.

(3) The Department of Aviation may establish a second round of applications for Rural Airport Projects if all of the five percent of the net proceeds of the lottery bonds allocated to Rural Airports in Section 10(1) of Chapter 865, OL 2009, are not committed during the first round of Rural Airport Project selections. The second round will be for Rural Airport projects receiving Federal Grants as prescribed in 731-035-0060(5)(a).

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

Stats. Implemented: Ch. 816, OL 2005

Hist.: DOT 8-2005(Temp), f. 11-17-05, cert. ef. 11-21-05 thru 5-19-06; DOT 3-2006, f. & cert. ef. 1-24-06; DOT 5-2007, f. & cert. ef. 11-15-07; DOT 2-2010, f. & cert. ef. 7-30-10

731-035-0060

Project Selection

(1) The Commission will select Projects to be funded through either a grant or loan with moneys in the Multimodal Transportation Fund.

(2) Prior to selecting Projects to be funded with moneys in the Multimodal Transportation Fund, the Commission shall solicit recommendations from:

(a) The State Aviation Board for aviation Transportation Projects.

(b) The Freight Advisory Committee for freight Transportation Projects.

(c) The Public Transit Advisory Committee for public transit Transportation Projects.

(d) The Rail Advisory Committee for rail Transportation Projects.

(e) The Oregon Business Development Department for marine transportation projects.

(3) Prior to selecting Projects to be funded with moneys in the Multimodal Transportation Fund, the Commission may solicit recommendations from transportation stakeholder and advocate entities not otherwise specified in section 2 of this rule including the Area Commissions on Transportation.

(4) Prior to selecting Rural Airport Projects to be funded with moneys in the Multimodal Transportation Fund, the Commission will solicit recommendations from the State Aviation Board. Except for the State Aviation Board, Rural Airport Projects will not be reviewed by the committees and entities in section 2, section 3, and section 6 of this rule.

(5) State Aviation Board shall provide the Commission with a Rural Airport Recommendation Report of Rural Airport Projects to be funded with moneys in the Multimodal Transportation Fund listing in priority order eligible Rural Airport Projects together with a reasonable number of alternate Rural Airport Projects in priority order.

(a) The highest priority projects shall be Rural Airport Projects that Receive Federal Grants on or after July 1, 2009, and prior to July 1, 2011, where the application is for matching funds to the federal grant, and that have been completed or are under construction. A Rural Airport Project is under construction if the Applicant demonstrates that a construction or design contract has been signed, or the Applicant has employees working on the project construction or design.

(b) When prioritizing projects, consideration shall be given to the need to provide matching funds to projects that will Receive Federal Grants through the end of the 2009-2011 biennium, and the Recommendation Report may recommend the Commission keep, as a reserve, an appropriate amount of the net proceeds of the lottery bonds allocated to Rural Airports.

(6) Rural Airport Project applications that are not funded as a Rural Airport by the Commission are eligible for funds as a Transportation Project, and will be subject to review by the committees and entities in section 2, section 3 and section 6 of this rule.

(7) On behalf of the Commission, the Department shall solicit recommendations from the committees and entities in section 2 of this rule before soliciting recommendations from entities in section 3 of this rule. The Department shall provide the recommendations from the committees and entities in section 2 of this rule to the entities in section 3 of this rule.

(8) The Director, in consultation with committees and entities in section 2 of this rule and the Area Commissions on Transportation, shall appoint a Final Review Committee that includes representatives from each of the committees and entities in section 2 and section 3 of this rule. Following the receipt of recommendations from the entities in section 3 of this rule and prior to selecting Projects to be funded with moneys in the Multimodal Transportation Fund, the Commission shall solicit a Final Recommendation Report from the Final Review Committee. The Department shall provide the Final Review Committee a list of recommendations from all committees and entities in section 2 and section 3 of this rule. The list shall include the evaluation results and recommendations from each of the committees and entities in sections 2 and 3 of this rule. The Final Review Committee shall provide the Commission its Final Recommendation Report of projects to be funded with moneys in the

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Multimodal Transportation Fund listing in priority order eligible Projects together with a reasonable number of alternate Projects in priority order.

(9) The Department shall determine the organizational guidance for the committees' and entities' processes and protocols.

(10) The committees and entities in sections 2, 3 and 5 of this rule shall follow the organizational guidance determined by the Department under section 9 of this rule.

(11) The Commission will consider all of the following in its determination of eligible Projects to approve for receipt of funds from the Multimodal Transportation Fund:

(a) Whether a proposed Project reduces transportation costs for Oregon businesses or improves access to jobs and sources of labor.

(b) Whether a proposed transportation project results in an economic benefit to this state.

(c) Whether a proposed Project is a critical link connecting elements of Oregon's transportation system that will measurably improve utilization and efficiency of the system.

(d) How much of the cost of a proposed Project can be borne by the Applicant for the grant or loan from any source other than the Multimodal Transportation Fund.

(e) Whether a Project is ready for construction, or if the Project does not involve construction, whether the Project is ready for implementation.

(f) Whether a Project leverages other investment and public benefits from the state, other government units, or private business.

(g) Whether the Applicant proposes to contribute more than the minimum 20 percent of the eligible grant Project costs established in OAR 731-035-0070(4).

(h) Whether the Applicant is applying for a loan rather than a grant.

(12) To award funds that become available due to an approved Project that is withdrawn or is sanctioned as prescribed in 731-035-0080(5), the Commission shall initially notify the State Aviation Board to provide a list of the highest priority projects identified in section 5(a) of this rule, and shall select any such projects for funding. If after sixty days from such notice, no such projects are identified or the identified projects do not require all of the available funds, then the Commission shall select the highest priority Project that is appropriate for the funds available from the Final Review Committee's Final Recommendation Report, created in section (8) of this rule.

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

Stats. Implemented: Ch. 816, OL 2005

Hist.: DOT 8-2005(Temp), f. 11-17-05, cert. ef. 11-21-05 thru 5-19-06; DOT 3-2006, f. & cert. ef. 1-24-06; DOT 5-2007, f. & cert. ef. 11-15-07; DOT 3-2009, f. & cert. ef. 11-17-09; DOT 2-2010, f. & cert. ef. 7-30-10

731-035-0070

Grant and Loan Awards and Match

(1) At least five percent of the net proceeds of the lottery bonds will be allocated to Rural Airports.

(2) Once a project is selected by the Commission under 731-035-0060 (11) and (12) the amount of monies identified by the Commission is considered allocated from the Fund to a Recipient. If an Agreement with a Recipient has not been executed within 180 days from such date, the grant is deemed terminated, and the funds may be reassigned by the Commission. The Commission, notwithstanding 731-035-0060(12), may select the highest priority Project that is appropriate for the funds available from the Final Recommendation Report, created in 731-035-0060(8) or from the Rural Airport Recommendation Report, created in 731-035-0060(5).

(3) To the extent that proposed Projects meet the qualifications established in OAR 731-035-0050 and 731-035-0060, at least 10 percent of the total net proceeds of the lottery bonds will be allocated to each of the five regions as specified in Chapter 865, OL 2009. The regions consist of the following counties:

(a) Region one consists of Clackamas, Columbia, Hood River, Multnomah and Washington Counties;

(b) Region two consists of Benton, Clatsop, Lane, Lincoln, Linn, Marion, Polk, Tillamook and Yamhill Counties;

(c) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties;

(d) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Sherman, Wasco and Wheeler Counties; and

(e) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and Wallowa Counties.

(4) Applicants may use a combination of grant and loan funds to finance a Project.

(5) Grants and loans will be awarded only when there are sufficient funds available in the Multimodal Transportation Fund to cover the costs of the loans and grants.

(a) Grants:

(A) Awards must not exceed 80 percent of the total eligible Project costs.

(B) Applicant matching funds must be provided by the Applicant in the form of monetary outlay for elements necessary for implementation of the Project, including land, excavation, permits, engineering, payroll, special equipment purchase or rental, and cover at least 20 percent of the eligible Project costs.

(b) Loans:

(A) Loans may be for any portion of project costs, up to the full amount of the project.

(B) The Department will not charge fees for processing or administering a loan to a Recipient.

(C) Loans from the Multimodal Transportation Fund may be interest free if repaid according to the terms and conditions of the Agreement between the Department and Recipient.

(D) Prior to entering into a loan Agreement, the Department will determine if an application meets reasonable underwriting standards of credit-worthiness, including whether:

(i) The Project is feasible and a reasonable risk from practical and economic standpoints.

(ii) The loan has a reasonable prospect of repayment according to its terms.

(iii) The Applicant's fiscal, managerial and operational capacity is adequate to assure the successful completion and operation of the Project.

(iv) The Applicant will provide good and sufficient Collateral to mitigate risk to the Multimodal Transportation Fund.

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

Stats. Implemented: Ch. 816, OL 2005

Hist.: DOT 8-2005(Temp), f. 11-17-05, cert. ef. 11-21-05 thru 5-19-06; DOT 3-2006, f. & cert. ef. 1-24-06; DOT 5-2007, f. & cert. ef. 11-15-07; DOT 3-2009, f. & cert. ef. 11-17-09; DOT 2-2010, f. & cert. ef. 7-30-10

731-035-0080

Project Administration

(1) The Department will administer all non-aviation Projects.

(2) The Department and an Applicant of an Approved Project will execute an Agreement prior to the disbursement of Program Funds for an Approved Project. The Agreement is effective on the date all required signatures are obtained or at such later date as specified in the Agreement. Applicant will not be reimbursed for any funds expended prior to the execution of the Agreement. This excludes rural Airport Projects which have been completed or are under construction as prescribed in 731-035-0060(5a).

(3) The Agreement will contain provisions and requirements, including but not limited to:

(a) Documentation of the projected costs for an Approved Project must be submitted to the Department prior to the disbursement of Program Funds.

(b) Only Project costs incurred on or after the effective date of the Agreement are eligible for grant or loan funds.

(c) Disbursement of Program Funds for grants and loans will be paid on a reimbursement basis and will not exceed one disbursement per month. The Director or the OTC may make exceptions to the reimbursement basis if the Department finds that the applicant would have difficulty meeting this requirement.

(d) Upon request, a Recipient must provide the Department with a copy of documents, studies, reports and materials developed during the Project, including a written report on the activities or results of the Project and any other information that may be reasonably requested by the Department.

(e) Recipients must separately account for all moneys received from the Multimodal Transportation Fund in Project accounts in accordance with Generally Accepted Accounting Principles.

(f) Any Program Funds disbursed but not used for an Approved Project must be returned to the Department.

(g) Amendments to Agreements are required to change an Approved Project's cost, scope, objectives or timeframe.

(h) Recipients must covenant, represent and agree to use Project funds in a manner that will not adversely affect the tax-exempt status of any bonds issued under the Program.

(4) The Department may invoke sanctions against a Recipient that fails to comply with the requirements governing the Program. The Department will not impose sanctions until the Recipient has been notified in writing of such failure to comply with the Program requirements as specified in this Rule and has been given a reasonable time to respond and

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correct the deficiencies noted. The following circumstances may warrant sanctions:

- (a) Work on the Approved Project has not been substantially initiated within six months of the effective date of the Agreement;
- (b) State statutory requirements have not been met;
- (c) There is a significant deviation from the terms and conditions of the Agreement; or

(d) The Department finds that significant corrective actions are necessary to protect the integrity of the Program Funds for the Approved Project, and those corrective actions are not, or will not be, made within a reasonable time.

(5) The Department may impose one or more of the following sanctions:

- (a) Revoke an existing award.
- (b) Withhold unexpended Program Funds.
- (c) Require return of unexpended Program Funds or repayment of expended Program Funds.
- (d) Bar the Applicant from applying for future assistance.
- (e) Other remedies that may be incorporated into grant and loan Agreements.

(6) The remedies set forth in this rule are cumulative, are not exclusive, and are in addition to any other rights and remedies provided by law or under the agreement.

(7) The Director will consider protests of the funding and Project administration decisions for the Program. Only the Applicant or Recipient may protest. Protests must be submitted in writing to the Director within 30 days of the event or action that is being protested. The Director's decision is final. Jurisdiction for review of the Director's decision is in the circuit court for Marion County pursuant to ORS 183.484.

(8) The Director may waive non-statutory requirements of this Program if it is demonstrated such a waiver would serve to further the goals and objectives of the Program.

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

Stats. Implemented: Ch. 816, OL 2005

Hist.: DOT 8-2005(Temp), f. 11-17-05, cert. ef. 11-21-05 thru 5-19-06; DOT 3-2006, f. & cert. ef. 1-24-06; DOT 5-2007, f. & cert. ef. 11-15-07; DOT 2-2010, f. & cert. ef. 7-30-10

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

Rule Caption: Collection of Biometric Data for Driver License, Driver Permit or Identification Card.

Adm. Order No.: DMV 13-2010

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10

Notice Publication Date: 6-1-2010

Rules Amended: 735-062-0016

Subject: ORS 807.024 requires each person who applies for a driver license, driver permit or identification card to submit to the collection of biometric data. ORS 801.163 defines biometric data as the physical characteristics of a person's face that can be used to authenticate a person's identity. A person submits to the collection of biometric data by having his or her photograph taken. DMV uses facial recognition technology to determine if the person photographed is the same person who was issued previously under that identity and if the person has ever been issued under another identity. The facial recognition technology requires a clear view of the person's iris and pupil of each eye. To improve the functional reliability of each photograph, DMV amended OAR 735-062-0016 to establish that a person must remove his or her glasses when photographed for a driver license, driver permit or identification card. The rule also requires the person to remove any clothing or similar material covering the person's face, and any head covering, unless the head covering is being worn for medical or religious reasons. No clothing or head covering may interfere with obtaining a full-faced photograph.

Rules Coordinator: Lauri Kunze — (503) 986-3171

735-062-0016

Requirements for Establishing Identity Under ORS 807.024 and Consequences of Applicant's Failure to Establish Identity

(1) An applicant for an original, renewal or replacement driver license, driver permit or identification card must submit to the collection of biometric data, as provided in ORS 807.024, for the purpose of establish-

ing identity, unless the applicant meets the requirements of OAR 735-062-0120 or 735-062-0125.

(2) To collect biometric data DMV will take a digital photograph of the applicant which must:

- (a) Be full-faced; and
- (b) Clearly show the iris and pupil of each eye.

(3) To comply with Section (2) of this rule, DMV will require the applicant to:

- (a) Remove any eyeglasses;
- (b) Remove any clothing or similar material that partially or completely covers the applicant's face; and
- (c) Remove any head covering, including a hat or cap, unless the head covering is for medical or religious reasons. A head covering worn for medical or religious reasons must not cover or distort the applicant's face.

(4) Except as provided in OAR 735-062-0120 and 735-062-0125, if an applicant's identity is not established by the biometric data submitted pursuant to subsection (1) of this rule, the applicant must provide documentation or other evidence sufficient to establish the applicant's identity to the satisfaction of DMV. The documents or other evidence may include, but are not limited to, one or more of the following:

- (a) Documents listed in OAR 735-062-0020 that provide proof of the applicant's identity and date of birth to the satisfaction of DMV.
- (b) The applicant's SSN and proof and verification of the SSN as provided in OAR 735-062-0005.

(c) A letter from a treating physician that identifies the person and states a medical reason for the person's change in appearance.

(d) A document or letter from a law enforcement agency verifying identity.

(e) A court document verifying identity.

(5) Except as provided in OAR 735-062-0120 and 735-062-0125, DMV will not issue a driver license, driver permit or identification card, if the applicant's identity is not established under this rule.

(6) Pursuant to ORS 809.310(3) and OAR 735-070-0004, DMV will suspend an applicant's driving privileges or identification card and the person's right to apply for driving privileges and an identification card, if the person fails to establish his or her identity as required by this rule and the failure to establish identity is the result of the applicant's committing any of the acts identified in ORS 809.310(3)(a) through (h).

(7) Pursuant to ORS 809.310(1), 807.400(14), and OAR 735-070-0004, DMV will cancel a driver license, driver permit or identification card issued to an applicant who fails to establish his or her identity as required by this rule when applying for the license, permit or identification card.

(8) Pursuant to ORS 809.310(2), 807.400(14), and OAR 735-070-0004, DMV will cancel a driver license, driver permit or identification card issued to an applicant who fails to establish his or her identity as required by this rule when applying for the license, permit or identification card, and the failure to establish identity is the result of the applicant's providing false information to DMV.

(9) If, based on the identification procedures required under section (1) or section (2) of this rule, DMV determines that an applicant has used different names to identify himself or herself in different applications submitted to DMV and the different names are not the result of the applicant's having legally changed his or her name, DMV may take the actions authorized by ORS 809.135.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.024 & 2008 OL Ch. 1

Stats. Implemented: ORS 807.024, 807.400, 809.135, 809.310, 807.400, 809.411 & 2008 OL Ch. 1

Hist.: DMV 16-2008, f. 6-23-08, cert. ef. 7-1-08; DMV 13-2010, f. & cert. ef. 7-30-10

Department of Transportation, Highway Division Chapter 734

Rule Caption: Fee for Issuance of Sno-Park Parking Permits.

Adm. Order No.: HWD 7-2010

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 8-1-10

Notice Publication Date: 6-1-2010

Rules Amended: 734-020-0070

Subject: This rule establishes the fee for parking permits issued for winter recreation parking (Sno-Park) areas. Revenue generated from the sale of Sno-Park permits is accounted for separately in the Highway Fund. Funds in the account are primarily used for enforcement of the permit requirement and snow removal in the designated areas. There are three types of permits available to users of Sno-Parks, these

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are: an annual permit required from November 1 through April 30, a three-day permit valid for three consecutive days, and a one-day permit valid for a specific calendar day. In order to adequately fund the Sno-Park program, to keep up with increasing costs, and to provide service to the recreation community, an increase in the permit fees was recommended by the Winter Recreation Advisory Committee. The committee was established in ORS 802.350 to advise the Department on matters relating to the Sno-Park program.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-020-0070

Fee for Issuance of Parking Permits

(1) The fee for parking permits in winter recreation parking areas (Sno-Parks) shall be as follows:

- (a) One day – \$4;
- (b) Three consecutive days – \$9;
- (c) Annual, beginning each November – \$25.

(2) Sno-Park permits may be issued by the Department or persons appointed by the Department as provided in ORS 811.595.

Stat. Auth.: ORS 184.616, 811.595 & 811.600

Stats. Implemented: ORS 811.600

Hist.: 1 OTC 23-1979(Temp), f. & ef. 9-24-79; 1 OTC 28-1979, f. & ef. 11-26-79; 2HD 4-1982, f. & ef. 10-5-82; 2HD 17-1983, f. & ef. 9-23-83; HWY 13-1992, f. & cert. ef. 10-20-92; HWY 7-1993, f. & cert. ef. 10-27-93; HWY 9-1997, f. & cert. ef. 9-22-97; TO 2-1999(Temp), f. & cert. ef. 9-3-99 thru 2-29-00; TO 1-2000, f. & cert. ef. 1-19-00; HWD 7-2007, f. & cert. ef. 10-17-07; HWD 7-2010, f. 7-30-10, cert. ef. 8-1-10

Rule Caption: Amends Existing Access Management Rules to Comply with Amendments to ORS 374.310 made by SB 1024.

Adm. Order No.: HWD 8-2010(Temp)

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10 thru 1-21-11

Notice Publication Date:

Rules Amended: 734-051-0020, 734-051-0040, 734-051-0045, 734-051-0070, 734-051-0080, 734-051-0135, 734-051-0245, 734-051-0255, 734-051-0295, 734-051-0315, 734-051-0345, 734-051-0500, 734-051-0530

Subject: Temporary rules are necessary to implement statutory changes to ORS 374.310 that the Legislature enacted during the 2010 special session. At that time, the Legislature declared an emergency asserting that this change is needed for the immediate preservation of the public peace, health and safety and the legislation became effective upon passage. The current access management rules are in conflict with the statute and the amendments are needed to clarify implementation of these statutory changes.

Additional proposed temporary rules bring existing access management rules into conformance with a Oregon Court of Appeals decision in *State v. Hansen*, 162 Or. App. 38 (1999); and correct and update citations and references contained in the existing access management rules.

Rules Coordinator: Lauri Kunze—(503) 986-3171

734-051-0020

Purpose and Applicability of Rules

(1) The purpose of division 51 rules is to provide a safe and efficient transportation system through the preservation of public safety, the improvement and development of transportation facilities, the protection of highway traffic from the hazards of unrestricted and unregulated entry from adjacent property, and the elimination of hazards due to highway grade intersections. These rules establish procedures and criteria used by the Department to govern highway approaches, access control, spacing standards, medians and restriction of turning movements in compliance with statewide planning goals and in a manner compatible with acknowledged comprehensive plans and consistent with Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), and the 1999 Oregon Highway Plan (OHP).

(2) The 1999 Oregon Highway Plan dated March 18, 1999 and all amendments approved by the Oregon Transportation Commission as of the adoption of this rule are hereby adopted by reference as the policy framework and investment priorities for implementing access management.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312 & 374.345

Stats. Implemented: ORS 374.305 - 374.350 & 374.990

Hist.: TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0030; HWD 2-2007, f. & cert. ef. 1-26-07; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0040

Definitions

The following definitions apply to division 51 rules:

(1) “**1999 Oregon Highway Plan**” means the 1999 Oregon Highway Plan and all amendments approved by the Oregon Transportation Commission as adopted by OAR 734-051-0020.

(2) “**Access Control**” means no right of access exists between a property abutting the highway and the highway. The right of access may have been acquired by the Department or eliminated by law.

(3) “**Access Management Strategy**” means a project delivery strategy that identifies the location and type of approaches and other necessary improvements that will occur primarily within the highway right of way and that is intended to improve current conditions of the section of highway by moving in the direction of the access management spacing standards.

(4) “**Access Management Plan**” means a plan for managing a designated section of highway or the influence area of an interchange to maintain and improve highway performance and safety. It is intended to improve current and future conditions on a section of highway or interchange by moving in the direction of the access management spacing standards and may address local street connectivity, local street improvements and local plans and land use regulations. An Access Management Plan may be developed independent of or in conjunction with a highway or interchange project; however, an Access Management Plan is not a highway or interchange project.

(5) “**Access Mitigation Proposal**” means a proposal offered by an applicant that identifies the location and type of approaches and necessary improvements to the highway and that is intended to improve current conditions of the section of highway by moving in the direction of the access management spacing standards by combining or removing approaches resulting in a net reduction of approaches to that section of highway. An Access Mitigation Proposal must be approved by the Department, agreed to by all affected property owners, and real property interests must be recorded.

(6) “**Alternate Access**” means the physical existence of other means to access a property than the proposed approach, such as an existing public right of way, another location on the subject state highway, an easement across adjoining property, a different highway, a service road, or an alley, including singularly or as a joint approach, but without a conclusive determination that the alternate access is “reasonable” as defined in section (51) of this rule.

(7) “**Appealable decision**” means a decision by the Department that may be appealed through a Region Review as set forth in OAR 734-051-0345 or a Contested Case Hearing as set forth in OAR 734-051-0355. An appealable decision includes a decision to deny an application or to deny a deviation or approval of an application with mitigation measures.

(8) “**Applicant**” means a person, firm or corporation, or other legal entity that applies for an approach or deviation including an owner or lessee, or an option holder of a property abutting the highway, or their designated agent.

(9) “**Application**” means a completed form Application for State Highway Approach including any required documentation and attachments necessary for the Department to determine if the application can be deemed complete.

(10) “**Approach**” means a legally constructed, approach road or private road crossing, recognized by the Department as grandfathered or existing under a valid Permit to Operate.

(11) “**Approach road**” means a legally constructed, public or private connection, providing vehicular access to and/or from a highway and an adjoining property.

(12) “**Classification of highways**” means the Department’s state highway classifications defined in the 1999 Oregon Highway Plan.

(13) “**Commission**” means the Oregon Transportation Commission.

(14) “**Construction Permit**” means a Permit to Construct a State Highway Approach including all attachments, required signatures, and conditions and terms.

(15) “**Crash history**” means at least the three most recent years of crash data recorded by the Department’s Crash Analysis and Reporting Unit.

(16) “**Day**” means calendar day, unless specifically stated otherwise.

(17) “**Deemed complete**” means an application and all required supplemental documentation necessary for the Department to review and

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assess the application and determine if a Construction Permit or a Permit to Operate may be issued.

(18) "Department" or "ODOT" means the Oregon Department of Transportation.

(19) "Deviation" means a departure from the access management spacing standards.

(20) "Division 51" means Oregon Administrative Rules (OAR) 734-051-0010 through 734-051-0560 and Tables 1, 2, 3, 4, 5, 6 and 7 adopted and made a part of division 51 rules and Figures 1, 2, 3 and 4 adopted and made a part of division 51 rules.

(21) "Double-Frontage Property" means a property with a right of access to more than one state highway.

(22) "Executive Deputy Director" means the Executive Deputy Director for Highway Division of the Oregon Department of Transportation.

(23) "Expressway" means a segment of highway defined in the 1999 Oregon Highway Plan and classified by the Oregon Transportation Commission.

(24) "Fair Market Value" means the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desired but is not obligated to buy.

(25) "Freeway or Expressway ramp" means all types, arrangements, and sizes of turning roadways for right or left turning vehicles that connect two or more legs at an interchange and the components of a ramp area terminal at each leg and a connection road, usually with some curvature and on a grade.

(26) "Grandfathered approach" means a legally constructed approach existing prior to 1949. A property owner has the burden to prove an approach is grandfathered based upon existence prior to 1949. For purposes of this Division, grandfathered approaches also include approaches presumed in compliance as set forth in OAR 734-051-0285(7) and approaches intended to remain open that were improved in conjunction with a Department project prior to April 1, 2000, as set forth in OAR 734-051-0285(9).

(27) "Grant of Access" means the conveyance or evidence of the conveyance from the Department of a specific right of access at a location where an abutting property currently does not have that specific right of access.

(28) "Highway mobility standards" mean the established standards for maintaining mobility as defined in the 1999 Oregon Highway Plan.

(29) "Highway segment designations" mean the four categories of designations, Special Transportation Area, Commercial Centers, Urban Business Areas, and Urban, defined in the 1999 Oregon Highway Plan.

(30) "Indenture of Access" means a deeded conveyance that changes the location, width, or use restrictions of an existing reservation of access.

(31) "Infill" means development of vacant or remnant land passed over by previous development and that is consistent with zoning. Infill occurs in urban areas. It may also occur in rural areas on commercial or industrial zoned land where the land has been developed into an urban block pattern including a local street network, and the posted highway speed is at or below 45 miles per hour.

(32) "Influence area of an interchange" means the area 1320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.

(33) "Interchange" means a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels.

(34) "Interchange Area Management Plan" means a plan for managing a grade-separated interchange area to ensure safe and efficient operation between connecting roadways and to protect the functional integrity, operations, and safety of the interchange. An Interchange Area Management Plan may be developed independent of or in conjunction with an interchange project and may address local street connectivity, local street improvements and local plans and land use regulations. An Interchange Area Management Plan is not an interchange project.

(35) "Intersection" means an area where two or more highways or an approach and a highway join or cross at grade.

(36) "Land Use Action" means an action by a local government or special district concerning the adoption, amendment or application of the statewide planning goals, a comprehensive plan provision, or a land use regulation including zoning or subdivision codes.

(37) "Median" means the portion of the roadway separating opposing traffic streams.

(38) "Mitigation Measures" mean conditions, improvements, modifications, and restrictions set forth in OAR 734-051-0145 and required by the Department or initiated by an applicant for approval of a deviation or an application.

(39) "Move in the direction of" means that changes in the approach(es) to a property abutting the highway would bring a site closer to conformance with existing highway standards including where existing approaches to the highway or expressway are combined or eliminated resulting in a net reduction in the number of approaches to the highway or expressway, improvements in spacing of private approaches or public approaches, or improvements to intersection sight distance.

(40) "Peak hour" means the highest one-hour volume observed on an urban roadway during a typical or average week or the 30th highest hourly traffic volume on a rural roadway typically observed during a year.

(41) "Permit to Construct" means a Permit to Construct a State Highway Approach including all attachments, required signatures, conditions and terms, and performance bonds or insurance.

(42) "Permit to Operate" means a Permit to Operate, Maintain and Use a State Highway Approach including all required signatures and attachments, and conditions and terms. A Permit to Operate is not required for a public approach however the Department may issue a Permit to Operate for a public approach upon agreement with the governing city or county.

(43) "Permitee" means a person, firm or corporation, or other entity holding a valid Permit to Operate including the owner or lessee of the property abutting the highway or their designated agent.

(44) "Permitted approach" means a legally constructed private or public approach existing under a valid Permit to Operate.

(45) "Planned" means not constructed but adopted into a comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS Chapter 197.

(46) "Private approach" means an approach serving one or more properties and is not a public approach as defined in section (50) of this rule.

(47) "Private road crossing" means a legally constructed, privately owned road designed for use by trucks which are prohibited by law from using state highways, county roads, or other public highways.

(48) "Professional Engineer" means a person registered and holding a valid certificate to practice engineering in the State of Oregon, as provided in ORS 672.002 through 672.325, with expertise in traffic engineering, as provided in OAR 820-040-0030.

(49) "Project Delivery" means the allocation of resources to plan and construct new highways or modify and improve existing highways.

(50) "Public approach" means an existing or planned city street or county road connection that provides vehicular access to the general public from a highway. An existing city street or county road connection must be under the authority of the city or county to be considered a public approach. A planned city street or county road must be consistent with 734-051-0040(45) and must be or come under the authority of the city or county to be considered a public approach.

(51) "Reasonable Access" means the ability to access a property in a manner that meets the criteria under ORS 374.310(3).

(52) "Redevelopment" means the act or process of changing existing development including replacement, remodeling, or reuse of existing structures to accommodate new development that is consistent with current zoning. Redevelopment occurs in urban areas. It may also occur in rural areas on commercial or industrial zoned land where the land has been developed into an urban block pattern including a local street network, and the posted highway speed is at or below 45 miles per hour.

(53) "Region Access Management Engineer" means a professional engineer employed by the Department who by training and experience has comprehensive knowledge of the Department's access management rules, policies, and procedures, or as specified in an Intergovernmental Agreement delegating permitting authority as set forth in OAR 734-051-0035(3).

(54) "Region Manager" means the person in charge of one of the Department's Transportation Regions or designated representative.

(55) "Reservation of Access" means a limitation of a common law right of access to a specific location where the Department has acquired access control subject to restrictions that are designated in a deed. A reservation of access may include a use restriction limiting the right of access to a specified use or restriction against a specified use. A use restriction included in a reservation of access does not restrict turning movements nor does the absence of a use restriction allow unrestricted turning movements. A reservation of access affords the right to apply for an approach but does not guarantee approval of an Application for State Highway Approach or the location of an approach.

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(56) "Restricted Use Approach" means an approach that is intended to provide vehicular access for a specific use and for a limited volume of traffic. Such uses are determined by the Department and may include emergency services, government, and utility uses. A mitigation required as a part of approach permit approval or a condition on a construction permit does not by itself create a "restricted use approach."

(57) "Right of access" means the right of ingress and egress to the roadway and includes a common law right of access, reservation of access, or grant of access.

(58) "Right of way" means real property or an interest in real property owned by the Department as defined in the 1999 Oregon Highway Plan.

(59) "Rural" means the area outside the urban growth boundary, the area outside a Special Transportation Area in an unincorporated community, or the area outside an Urban Unincorporated Community defined in OAR 660-022-0010(9).

(60) "Safety factors" include the factors identified in OAR 734-051-0080(8).

(61) "Signature" means the signature of the specific individual or an authorized officer of the corporation or partnership and must include the name of the corporation or partnership licensed as set forth in ORS 60.111, and which maintains a registered agent and registered office in this state.

(62) "Spacing Standards" mean Access Management Spacing Standards as set forth in OAR 734-051-0115 and specified in Tables 1, 2 and 3 adopted and made a part of division 51 rules and Access Management Spacing Standards for Approaches in an Interchange Area as set forth in OAR 734-051-0125 and specified in Tables 4, 5, 6 and 7 and Figures 1, 2, 3 and 4, adopted and made a part of division 51 rules.

(63) "Temporary approach" means an approach that is constructed, maintained, and operated for a specified period of time not exceeding two years, and removed at the end of that period of time.

(64) "Traffic Impact Study" means a report prepared by a professional engineer that analyzes existing and future roadway conditions resulting from the applicant's development.

(65) "Trip" means a one-way vehicular movement that consists of a motor vehicle entering or exiting a property. A vehicle entering a property and later exiting that property has made two trips.

(66) "Urban" means the area within the urban growth boundary, within a Special Transportation Area of an unincorporated community, or within an Urban Unincorporated Community defined in OAR 660-022-0010(9).

(67) "Vehicle trips per day" means the total of all one-direction vehicle movements with either the origin or destination inside the study site that includes existing, primary, pass by, and diverted linked trips and is calculated in accordance with the procedures contained in the current edition of the Institute of Transportation Engineers (ITE) publications Trip Generation and Trip Generation Handbook. Adjustments to the standard rates in the ITE publications for mode split may be allowed if calculated in accordance with Transportation Planning Rule and the ITE procedures. Adjustments to the standard rates for multi-use internal site trips may be allowed if calculated in accordance with ITE procedures and if the internal trips do not add vehicle movements to the approaches to the highway.

(68) "Vehicular Access" means access by motorized vehicles to a property from a street, roadway, highway, easement, service road, or alley including singular or joint access.

(69) "Work Day" means Monday through Friday and excludes holidays.

[Publications: Publications referenced are available from the agency.]
[ED. NOTE: Tables & Figures referenced are available from the agency.]
Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.313 & 374.345
Stats. Implemented: ORS 374.305 - 374.345 & 374.990
Hist.: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80; TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; Renumbered from 734-050-0010; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04; HWD 8-2005, f. & cert. ef. 9-16-05; HWD 2-2007, f. & cert. ef. 1-26-07; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0045

Change of Use of an Approach

(1) This rule applies to private approaches existing under a valid Permit to Operate and private grandfathered approaches.

(2) As used in this rule -0045 "peak hour" of the site means the hour during which the highest volume of traffic enters and exits the property during a typical week.

(3) A change of use of an approach occurs, and an application must be submitted, when an action or event identified in subsection (a) of this section, results in an effect identified in subsection (b) of this section.

(a) The Department may review an approach at the time of an action such as:

(A) Zoning or plan amendment designation changes;

- (B) Construction of new buildings;
- (C) Floor space of existing buildings increase;
- (D) Division or consolidation of property boundaries;
- (E) Changes in the character of traffic using the approach;
- (F) Internal site circulation design or inter-parcel circulation changes;

or

(G) Reestablishment of a property's use after discontinuance for four years or more.

(b) An application must be submitted when an action in subsection (a) of this section may result in any of the following:

(A)(i) The number of peak hour trips increases by 50 trips or more from that of the property's prior use; or

(ii) The number of trips on a typical day increases by 500 trips or more from that of the property's prior use; and

(iii) The increase in subparagraph (A)(i) or (A)(ii) represents a 20 percent or greater increase in the number of trips on a typical day and the number of peak hour trips from that of the property's prior use.

(B) ODOT demonstrates that safety or operational problems related to the approach are occurring. Mitigation shall be limited to addressing the identified safety or operational problems.

(C) The approach does not meet a sight distance requirement (measured in feet) of 10 times the posted speed of the roadway or 10 times the 85th percentile speed of the roadway where the 85th percentile speed is higher or lower than the posted speed. The permittee may perform a study to determine if the 85th percentile speed is lower than the posted speed. The sight distance measurement and the study to determine the 85th percentile speed shall be performed by or under the supervision of an engineer registered in the state of Oregon.

(D) The daily use of an approach increases by 10 or more vehicles with a gross vehicle weight rating of 26,000 pounds or greater.

(c) An effect in subsection (b) of this section may be determined by:

(A) Field counts;

(B) Site observation;

(C) Traffic Impact Study;

(D) Field measurement;

(E) Crash history;

(F) Institute of Transportation Engineer Trip Generation Manual; or

(G) Information and studies provided by the local jurisdiction.

(4) The following actions do not constitute a change of use:

(a) Modifications in advertising, landscaping, general maintenance, or aesthetics not affecting internal or external traffic flow or safety; or

(b) Buildout or redevelopment of an approved site plan or multi-phased development within the parameters of a Traffic Impact Study that is less than five years old or where within parameters of the future year analysis of the Traffic Impact Study, whichever is greater, and that is certified by a Professional Engineer.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.345 & Ch. 972 & Ch. 974, OL 1999

Stats. Implemented: ORS 374.305 - 374.345, 374.990 & Ch. 974, OL 1999, Ch. 371, OL 2003

Hist.: 1 OTC 20-1980, f. & ef. 10-22-80; TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; Renumbered from 734-050-0065; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0110; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0070

Application Procedure and Timelines

(1) The Department shall document decisions made under Division 51 rules with written findings and shall provide written notice to applicants:

(a) Written findings shall be provided to the applicant upon request;

(b) Materials submitted by the applicant become the property of the Department;

(c) The Region Manager may waive requirements for information and documentation required from an applicant depending on the nature of the application and on the sufficiency of other information available to the Department for its evaluation of an application;

(d) Where necessary to comply with the permitting criteria under Division 51 rules, approval of an application may be conditioned upon significant changes to a proposed site plan including relocation of buildings, parking, circulation, reduction of intensity of use, or variances from local jurisdictions; and

(e) Approval of an application may require mitigation measures set forth in OAR 734-051-0145.

(2) The Department, applicant, or local government may request a pre-application meeting to discuss the approach application process.

(3) An application is required:

(a) For a new approach to a state highway;

(b) When a change of use occurs as set forth in OAR 734-051-0045;

ADMINISTRATIVE RULES

- (c) For a temporary approach to a state highway; or
- (d) For a restricted use approach to a state highway.
- (4) An application accompanied by a site plan must be submitted for each approach requested. All of the following apply to an application:
 - (a) The Department shall not accept an application for an approach to a freeway, a freeway ramp, or an expressway ramp, or where an approach would be aligned opposite a freeway or expressway ramp terminal.
 - (b) The Department shall require written evidence of concurrence by the owner where an applicant is not the property owner.
 - (c) The Department may refuse to accept an application that is incomplete or contains insufficient information to allow the Department to determine if supplemental documentation is required or otherwise determine that the application may be deemed complete.
 - (5) The Department shall determine if an application is deemed complete:
 - (a) Within 30 days of accepting an application when section (6) of this rule does not require supplemental documentation; or
 - (b) When the supplemental documentation is received and the Department determines that the supplemental documentation is sufficient to evaluate the application, if section (6) of this rule requires supplemental documentation.
 - (6) The Department may require supplemental documentation before an application is deemed complete, and the Region Manager:
 - (a) May conduct an on-site review to determine the need for supplemental documentation before an application is deemed complete. The on-site review area includes both sides of the highway in the vicinity of the proposed approach including:
 - (A) The site frontage;
 - (B) All approaches; and
 - (C) The nearest public intersections within a distance less than the applicable spacing standard distance.
 - (b) May meet with the applicant to discuss the supplemental documentation including definition and degree of specification;
 - (c) Shall notify an applicant, within 30 days of accepting an application, of the supplemental documentation necessary for an application to be deemed complete;
 - (d) Shall notify an applicant, within 30 days of accepting an application, that an application may not be deemed complete where no right of access exists; and
 - (A) An applicant may apply for an Application for a Grant of Access or Application for an Indenture of Access;
 - (B) An application for a Grant of Access or Application for an Indenture of Access must be submitted concurrently with an Application for State Highway Approach;
 - (C) OAR 734-051-0295 through 734-051-0335 govern modification of access rights:
 - (i) To state highways and other public roads from property where the Department has access control; and
 - (ii) To state highways from property owned or controlled by cities or counties where the Department has access control where a public road connection is requested.
 - (D) Submittal of an Application for a Grant of Access or Application for an Indenture of Access stays the 120-day timeline in section (8) of this rule;
 - (E) The timeline for processing an Application for a Grant of Access and completing the appraisals and property transactions may be up to 365 days depending on the complexity of the request; and
 - (F) The timeline for processing an Application for an Indenture of Access may be up to 60 days depending on the complexity of the request.
 - (e) May require a Traffic Impact Study for:
 - (A) Proposed developments generating vehicle trips that equal or exceed 600 daily trips or 100 hourly trips; or
 - (B) Proposed zone changes or comprehensive plan changes;
 - (f) Shall require a Traffic Impact Study for proposed developments or land use actions where the on-site review indicates that operational or safety problems exist or are anticipated; and
 - (g) Shall notify the applicant that required supplemental documentation, including an application for a grant of access or indenture of access, must be submitted within 60 days of the date of notice of supplemental documentation or the application expires.
 - (7) All of the following apply when a Traffic Impact Study is required:
 - (a) A Professional Engineer employed by the Department shall determine the scope of the study and shall review and comment on the study.
 - (b) Future year analyses apply to both public and private approaches and include year of each phase opening and future year beyond build out,

based on vehicle trips per day and type of land use action, but not greater than the year of planning horizon for transportation system plans or 15 years, whichever is greater.

(c) A Professional Engineer must prepare the study in accordance with methods and input parameters approved by the Department.

(d) The scope and detail of the study must be sufficient to allow the Department to evaluate the impact of the proposal and the need for roadway capacity, operational, and safety improvements resulting from the approach.

(e) The study must identify the data and the application of data in the analysis.

(f) The study may be sufficient to satisfy the requirements of this rule without being adequate to satisfy local government requirements or the Transportation Planning Rule.

(8) When necessary to comply with the permitting criteria of division 51 Rules the Department shall evaluate an application that is deemed complete and shall approve or deny that application within 120 days including a final order as set forth in OAR 734-051-0355:

(a) The final 60 days of the 120 days are reserved for the Contested Case Hearing process set forth in OAR 734-051-0355;

(b) The Department shall use division 51 and ORS Chapter 374 and may use other applicable statutes, administrative rules, or manuals to evaluate and act on an application;

(c) If an application is approved, the Department shall issue a Construction Permit or a Permit to Operate as set forth in sections (10) through (13) of this rule; and

(d) Denial of an application is an appealable decision.

(9) If approval of an approach requires a deviation from access management spacing standards or access management spacing standards for approaches in an interchange area, a Traffic Impact Study may be required and the Department may approve or deny the deviation as set forth in OAR 734-051-0135:

(a) Approval of a deviation may be conditioned upon changes to a proposed site plan including relocation of buildings, changes to parking or circulation, reduction of the intensity of use, or variances from local jurisdiction regulations; and

(b) Denial of a deviation from spacing standards is an appealable decision.

(10) If a land use action is pending, including an appeal of a final land use decision or a limited land use decision, for a property for which an application has been submitted, the application may be accepted and processed:

(a) Approval will be conditioned on the Department receiving notice of approval of the land use action shown on the application.

(b) A Construction Permit may be issued while the local land use action is pending. A deposit may be required, to be determined in the manner used for a Temporary Approach in OAR 734-051-0095(2), to ensure that the approach will be removed if the land use is not approved.

(c) A Permit to Operate shall not be issued until the applicant provides the Department with written proof of final land use decision.

(11) To obtain a Construction Permit an applicant must submit construction drawings and plans within 60 days of notice of approval of an application when use of the Department's standard drawings is not appropriate. The Region Manager determines the acceptability of submitted construction plans. If plans are not submitted within the 60 days and no request for extension is received within that time, the approval will be void.

(12) The Department shall issue a Construction Permit as set forth in OAR 734-051-0175 upon approval of an application and approval of construction drawings and plans where required; and

(a) An approach approved by a Construction Permit must be constructed as required by OAR 734-051-0175 through 734-051-0245; and

(b) An applicant must have insurance, bonds, and deposits in place before construction begins and must provide 30 days written notice of cancellation or intent not to renew insurance coverage as set forth in OAR 734-051-0215.

(13) The Department shall issue a Permit to Operate as set forth in OAR 734-051-0245, except that a Permit to Operate is not required for a public approach under ORS 374.310.

(14) An applicant may request a Region Review of an appealable decision within 21 days of notice of that decision as set forth in OAR 734-051-0345:

(a) An applicant may request a collaborative discussion within the Region Review process; and

(b) The Region Review process stays the 120-day timeline for approval or denial of an application.

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(c) An applicant may request a Contested Case Hearing following a Region Review and the hearing will be on the original decision.

(15) An applicant may request a Contested Case Hearing of an appealable decision within 21 days of notice of that decision, or within 21 days of notice of a Region Review decision, as set forth in OAR 734-051-0355.

(16) Division 51 timelines may be extended if the applicant and the Department agree in writing before the applicable deadline, as specified in these rules. Any agreement to extend a timeline shall include a new deadline date and shall state the reason for the extension. Applications for which an extension of time has been issued will expire on the deadline date specified in the extension letter if no new extension has been agreed to and the activities for which the deadline was extended have not been completed.

(17) An application will expire after 120 days of inactivity on the part of the applicant if the Department sends a reminder letter to notify the applicant that 90 days have passed with no activity, and advising that the application will expire in 30 days if the application continues to be inactive. Submittal of any information after the date of expiration will require a new application.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312 & 374.345
Stats. Implemented: ORS 374.305 - 374.350 & 374.990
Hist.: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80; 2HD 13-1981, f. & ef. 10-2-81; TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; Renumbered from 734-050-0015; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0090 & 734-051-0100; HWD 2-2007, f. & cert. ef. 1-26-07; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0080

Criteria for Approving an Application for an Approach

(1) The following apply to all applications:

(a) Existence of a recorded easement does not by itself establish a right of access and does not guarantee the approval of an application or the location of an approach.

(b) If an application is for a double-frontage property the approach must be located on the lower classification highway except where the Region Access Management Engineer determines that an approach to the higher classification highway would better meet the approval criteria in sections (2) through (10) of this rule.

(c) Where a development includes multiple parcels, the development is evaluated in its entirety, regardless of the number of individual parcels or ownership contained within the development, and applications will not be accepted for individual parcels or ownership.

(2) For a private approach with no alternate access to the property the Region Manager shall approve an application if the applicant demonstrates that section (9) of this rule is met.

(3) For a private approach in a rural area and on a statewide, regional, or district highway or an expressway or within the influence area of an expressway interchange or freeway interchange, with alternate access to the property, the Region Manager shall approve an application if the applicant demonstrates that:

(a) Either:

(A) The alternate access cannot be made reasonable as set forth in section (7) of this rule; or

(B) The proposal is for infill or redevelopment and approval of the proposal will result in a net reduction of approaches on the highway or the net result improves safety for any remaining approaches; and

(b) Section (9) of this rule is met.

(4) For a private approach in an urban area and on a statewide, regional, or district highway or within the influence area of an expressway interchange or freeway interchange, with alternate access to the property, the Region Manager shall approve an application, even where the Department has evidence that the alternate access is reasonable, if the applicant provides substantial evidence that demonstrates that:

(a) The alternate access is not reasonable as set forth in section (7) of this rule; and

(b) Section (9) of this rule is met.

(5) For a private approach in an urban area and on a statewide, regional, or district highway or within the influence area of an expressway interchange or freeway interchange, with alternate access to the property, the Region Manager shall approve an application if the applicant demonstrates that:

(a) The alternate access is reasonable as set forth in section (7) of this rule; and

(b) Section (9) and section (10) of this rule are met.

(6) For a private approach in an urban area and on an expressway, with alternate access to the property, the Region Manager shall approve an application if the applicant demonstrates that:

(a) The alternate access cannot be made reasonable as set forth in section (7) of this rule, and section (9) and section (10) of this rule of this rule are met; or

(b) The approach provides an immediate and long-term benefit to the state highway system, as set forth in OAR 734-051-0085, regardless of any required safety or operations mitigation measures, and section (9) of this rule is met.

(7) Which approval criteria will be applied to an application (sections (2) through (6) of this rule) depends in part upon whether alternate access to the site is or can be made reasonable, which is determined based upon the following:

(a) The Department determines that alternate access to the property is sufficient to allow the authorized uses for the property identified in the acknowledged local comprehensive plan.

(b) The Department determines that the type, number, size and location of approaches are adequate to serve the volume and type of traffic reasonably anticipated to enter and exit the property, based on the planned uses for the property.

(c) The Department may require mitigation measures are set forth in OAR 734-051-0145:

(A) Including where the applicant or the local jurisdiction commits proportional shares for the cost of removal or mitigation of geographic, safety, or physical restrictions on the property or local street network; and

(B) Neither a lack of commitment by a local government to share the cost of mitigation nor the cost of mitigation alone is determinative in evaluating whether the access is or could be made reasonable.

(d) Consideration of factors including:

(A) Legal restrictions;

(B) Geographic restrictions;

(C) Historical or cultural resources;

(D) Safety factors; and

(E) Physical considerations such as planned streets, roadway width, and weight and size restrictions.

(e) Where a significant difference exists between an existing and planned local road network, a phased method addressing access may be considered:

(A) Where a planned public street or road network cannot be provided at the time of development, an application may be approved with conditions requiring connection when such connection becomes available;

(B) The approach permit may be revoked and the approach removed, or the approach permit may be modified and mitigation required when the planned street or road network becomes available; and

(C) An agreement with the local government regarding the planned street or road network may be an intergovernmental agreement.

(8) For purposes of Division 51, safety factors include:

(a) Roadway character;

(b) Traffic character;

(c) Geometric character;

(d) Environmental character; and

(e) Operational character.

(9) As required by sections (2) through (6) of this rule an applicant must demonstrate, consistent with Division 51 rules, that:

(a) The approach is consistent with safety factors in section (8) of this rule;

(b) Spacing standards are met or a deviation is approved as set forth in OAR 734-051-0135; and

(c) The effect of the approach meets traffic operations standards, signals, or signal systems standards in OAR 734-020-0400 through 734-020-0500 and 734-051-0115 and 734-051-0125.

(10) As required by sections (5) through (6) of this rule the Department may require an applicant to demonstrate that:

(a) Highway mobility standards are met on state highways;

(b) The approach is consistent with an Access Mitigation Proposal, Access Management Strategy, or Access Management Plan for the segment of highway abutting the property, if applicable;

(c) The site plan shows that the site circulation does not require vehicles, once on site, to reenter the highway to access parking or other portions of the development; and

(d) More than one approach to the highway is necessary to accommodate traffic reasonably anticipated to the site if multiple approaches are requested.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.345 & Ch. 972 & Ch. 974, OL 1999
Stats. Implemented: ORS 374.305 to 374.345, 374.990 & Ch. 974, OL 1999, Ch. 371, OL 2003
Hist.: TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

ADMINISTRATIVE RULES

734-051-0135

Deviations from Access Management Spacing Standards

(1) A deviation will be considered when an approach does not meet spacing standards and the approach is consistent with safety factors in OAR 734-051-0080(8). The information necessary to support a deviation must be submitted with an application or with the supplemental documentation as set forth in OAR 734-051-0070(5) and (6).

(2) For a private approach with no reasonable alternate access to the property, as identified in OAR 734-051-0080(2), spacing standards are met if property frontage allows or a deviation is approved as set forth in this section. The Region Manager shall approve a deviation for a property with no reasonable alternate access if the approach is located:

- (a) To maximize the spacing between adjacent approaches; or
- (b) At a different location if the maximized approach location:

(A) Causes safety or operational problems; or

(B) Would be in conflict with a significant natural or historic feature including trees and unique vegetation, a bridge, waterway, park, archaeological area, or cemetery.

(3) The Region Access Management Engineer shall approve a deviation if:

(a) Adherence to spacing standards creates safety or traffic operation problems;

(b) The applicant provides a joint approach that serves two or more properties and results in a net reduction of approaches to the highway;

(c) The applicant demonstrates that existing development patterns or land holdings make joint use approaches impossible;

(d) Adherence to spacing standards will cause the approach to conflict with a significant natural or historic feature including trees and unique vegetation, a bridge, waterway, park, archaeological area, or cemetery;

(e) The highway segment functions as a service road;

(f) On a couplet with directional traffic separated by a city block or more, the request is for an approach at mid-block with no other existing approaches in the block or the proposal consolidates existing approaches at mid-block; or

(g) Based on the Region Access Management Engineer's determination that:

(A) Safety factors and spacing significantly improve as a result of the approach; and

(B) Approval does not compromise the intent of these rules as set forth in OAR 734-051-0020.

(4) When a deviation is considered, as set forth in section (1) of this rule, and the application results from infill or redevelopment:

(a) The Region Access Management Engineer may waive the requirements for a Traffic Impact Study and may propose an alternative solution where:

(A) The requirements of either section (2) or section (3) of this rule are met; or

(B) Safety factors and spacing improve and approaches are removed or combined resulting in a net reduction of approaches to the highway; and

(b) Applicant may accept the proposed alternative solution or may choose to proceed through the standard application review process.

(5) The Region Access Management Engineer shall require any deviation for an approach located in an interchange access management area, as defined in the Oregon Highway Plan, to be evaluated over a 20-year horizon from the date of application and may approve a deviation for an approach located in an interchange access management area if:

(a) A condition of approval, included in the Permit to Operate, is removal of the approach when reasonable alternate access becomes available;

(b) The approach is consistent with an access management plan for an interchange that includes plans to combine or remove approaches resulting in a net reduction of approaches to the highway;

(c) The applicant provides a joint approach that serves two or more properties and results in a net reduction of approaches to the highway; or

(d) The applicant demonstrates that existing development patterns or land holdings make utilization of a joint approach impracticable.

(6) The Region Access Management Engineer shall not approve a deviation for an approach if any of the following apply:

(a) Spacing standards can be met even though adherence to spacing standards results in higher site development costs.

(b) The deviation results from a self-created hardship including:

(A) Conditions created by the proposed site plan, building footprint or location, on-site parking, or circulation; or

(B) Conditions created by lease agreements or other voluntary legal obligations.

(c) The deviation creates a significant safety or traffic operation problem.

(7) The Region Access Management Engineer shall not approve a deviation for an approach in an interchange access management area where reasonable alternate access is available and the approach would increase the number of approaches to the highway.

(8) Where section (2), (3), (4) or (5) of this rule cannot be met, the Region Manager, not a designee, may approve a deviation where:

(a) The approach is consistent with safety factors; and

(b) The Region Manager identifies and documents conditions or circumstances unique to the site or the area that support the development.

(9) The Region Manager may require an intergovernmental agreement or completion of an access management plan or an interchange area management plan prior to approval of a deviation to construct a public approach.

(10) Approval of a deviation may be conditioned upon mitigation measures set forth in OAR 734-051-0145.

(11) Denial of a deviation is an appealable decision.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.345 & Ch. 972 & Ch. 974, OL 1999

Stats. Implemented: ORS 374.305 - 374.345, 374.990 & Ch. 974, OL 1999, Ch. 371, OL 2003

Hist.: TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0320; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0245

Issuance of a Permit to Operate, Maintain and Use an Approach

(1) The Department shall issue a Permit to Operate for a private approach upon approval of an application, where no Construction Permit is required, or upon notification by the applicant that construction is complete and when the approach conforms to the terms and conditions of the Construction Permit.

(2) Use of a private approach is legal only after a Permit to Operate is issued.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.345 & Ch. 972 & Ch. 974, OL 1999

Stats. Implemented: ORS 374.305 - 374.345, 374.990 & Ch. 974, OL 1999, Ch. 371, OL 2003

Hist.: TO 4-2000, f. 2-14-00, cert. ef. 4-1-00 HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0290; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0255

Maintenance of Approaches

(1) An applicant, permittee, or owner of a grandfathered approach must obtain approval and necessary permits prior to performing maintenance on an approach that interferes with or interrupts traffic on or along a highway.

(2) Where traffic signals are required, signal maintenance is performed by the Department or as assigned by a Cooperative Cost Agreement.

(3) For a public approach, the Department may require an intergovernmental agreement with the city or county to define responsibilities and obligations for maintenance of the approach.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.345 & Ch. 972 & Ch. 974, OL 1999

Stats. Implemented: ORS 374.305 - 374.345, 374.990 & Ch. 974, OL 1999, Ch. 371, OL 2003

Hist.: 1 OTC 43, f. 11-26-74, ef. 12-1-74; 1 OTC 20-1980, f. & ef. 10-22-80; TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; Renumbered from 734-050-0045; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0310; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0295

Grants of Access

(1) A grant of access establishes a right of access; and

(a) For a grant of access approved prior to April 1, 2000, the grant of access does not guarantee approval of an Application for State Highway Approach or issuance of a Construction Permit or Permit to Operate; and

(b) Subsequent to April 1, 2000, the Department may approve an Application for a Grant of Access only where an Application for State Highway Approach or a Construction Permit or Permit to Operate may be approved.

(2) The applicant for a grant of access must be the owner of the property abutting the highway right of way or the owner's designated agent.

(3) The Department shall not approve an Application for a Grant of Access for a private approach:

(a) On a freeway, freeway mainlines, or freeway ramp;

(b) On an expressway or expressway ramp;

(c) Opposite a freeway or expressway ramp terminal; or

(d) In an Interchange Management Area.

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(4) The Department may approve an Application for a Grant of Access to private property abutting a state and local facility where all of the following conditions are met:

(a) An applicant submits an Application for State Highway Approach as set forth in OAR 734-051-0070 and concurrently submits an Application for a Grant of Access, as set forth in OAR 734-051-0305.

(b) An applicant meets the requirements for issuance of a Construction Permit, as set forth in OAR 734-051-0175.

(c) The applicant agrees in writing to meet any mitigation measures, terms, and conditions placed on the Construction Permit and the Permit to Operate.

(d) The grant of access is consistent with the 1999 Oregon Highway Plan.

(e) One of the following occurs:

(A) The Department determines that access control is no longer needed at the location specified in the Application for a Grant of Access as set forth in section (7) of this rule; or

(B) The applicant establishes that the grant of access will benefit the state highway system as set forth in OAR 734-051-0085(1) and (2).

(f) Alternate access to the property is not and cannot be made reasonable as set forth in OAR 734-051-0080(7).

(g) The property owner must agree to deed restrictions to ensure that future development intensity and trip generation can be safely accommodated by the state transportation system.

(h) The application is approved by the Region Manager and reviewed by the State Traffic Engineer, and approved by the Technical Services Manager.

(5) The Department shall not approve an Application for a Grant of Access for a public approach:

(a) On a freeway, freeway mainlines, or freeway ramp;

(b) On an expressway ramp;

(c) Opposite a freeway or expressway ramp terminal; or

(d) In an Interchange Management Area.

(6) The Department may approve an Application for a Grant of Access for a public approach to a state highway where all of the following conditions are met:

(a) An applicant submits an Application for State Highway Approach, as set forth in OAR 734-051-0070 and concurrently submits an Application for a Grant of Access, as set forth in OAR 734-051-0305.

(b) The applicant meets the requirements for issuance of a Construction Permit, as set forth in OAR 734-051-0175.

(c) The applicant agrees in writing to meet any mitigation measures, terms, and conditions placed on the Construction Permit and the Permit to Operate.

(d) The grant of access is consistent with the 1999 Oregon Highway Plan, an adopted corridor plan, and local transportation system plan, or in the absence of an adopted corridor plan or transportation system plan, a grant of access may be considered where the applicant has explored all possible alternatives to the connection, including parallel streets, and the purchase of additional right of way.

(e) One of the following occurs:

(A) The Department determines that access control is no longer needed at the location specified in the Application for a Grant of Access as set forth in section (7) of this rule; or

(B) The applicant establishes that the grant of access will benefit the state highway system as set forth in OAR 734-051-0085; and

(i) The Department may determine that a benefit to the state highway system exists where the proposed connection is a public facility with a functional classification of collector or higher and is identified in an adopted transportation system plan, consistent with OAR 660-012-0000 through 660-012-0070; and

(ii) The Department shall require supporting documentation of sufficient detail to determine that a benefit to the state highway system exists, as set forth in OAR 734-051-0085(1) and (2), to be included in the transportation system plan; and

(iii) The Department shall determine if the supporting documentation is sufficient to meet the requirements in subparagraph (ii) of this paragraph.

(f) The Department and the local jurisdiction requesting a grant of access for a public approach:

(A) Shall enter into an intergovernmental agreement that details the responsibility for construction, maintenance, operation and cost of the public approach; and

(B) May enter into an intergovernmental agreement that addresses transportation plan and land use amendments or modifications to ensure

that planned development intensities and trip generation can be safely supported on the state transportation system.

(g) The application is approved by the Region Manager and reviewed by the State Traffic Engineer, and approved by the Technical Services Manager.

(7) For the purposes of sections (4) and (6) of this rule, the Department shall consider the following factors in determining whether access control is still needed at the location specified in an application for a grant of access:

(a) Classification of the highways and highway segment designations;

(b) Spacing Standards;

(c) Highway mobility standards;

(d) State and local transportation system plans;

(e) Comprehensive plan and land uses in the area; and

(f) Safety factors.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312 & 374.345

Stats. Implemented: ORS 374.305 - 374.350 & 374.990

Hist.: TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0430; HWD 2-2007, f. & cert. ef. 1-26-07; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0315

Indentures of Access

(1) The Department may approve an Application for Indenture of Access to a property abutting a state or local facility where all of the following conditions are met:

(a) An applicant submits an Application for State Highway Approach as set forth in OAR 734-051-0070 and concurrently submits an Application for Indenture of Access as set forth in OAR 734-051-0325;

(b) The applicant meets the requirements for issuance of a Construction Permit, as set forth in OAR 734-051-0175;

(c) The applicant agrees in writing to meet any mitigation measures, conditions, and terms placed on the Construction Permit and the Permit to Operate;

(d) The Region Manager approves the Application for Indenture of Access; and

(e) The property owner agrees to the closure of one or more existing reservations of access.

(2) All of the property owners that have a right of access at and are currently being served by the existing reservation of access must be applicants for any Application for Indenture of Access.

(3) A request for removal of farm crossing or farm access restrictions requires a grant of access as set forth in OAR 734-051-0295 and 734-051-0305.

(4) Approval of an Indenture of Access for a public approach may require mitigation measures to ensure that the state transportation system can safely accommodate the traffic at the indentured location. Mitigation measures may include but are not limited to amendments to the comprehensive plan or transportation system plan; or modification to the public street system.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.345 & Ch. 972 & Ch. 974, OL 1999

Stats. Implemented: ORS 374.305 - 374.345, 374.990 & Ch. 974, OL 1999, Ch. 371, OL 2003

Hist.: TO 4-2000, f. 2-14-00, cert. ef. 4-1-00; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0450; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0345

Region Review Process and Collaborative Discussion Option

(1) The Region Review process is an optional process that falls outside the 120-day timeline in OAR 734-051-0070(8) and applies to appealable decisions.

(2) To request a Region Review, an applicant must submit a written request to the Region Manager within 21 days of the mailing date of notice of an appealable decision and identify documentation to be presented at the Region Review.

(3) A Region Review Committee includes members with expertise in:

(a) Access Management policies;

(b) Roadway design standards;

(c) Right-of-way;

(d) Traffic engineering; and

(e) At least one Professional Engineer with experience in the issues being reviewed.

(4) The Department may invite a representative from the affected local jurisdiction with land use or transportation knowledge to provide input to the Region Review Committee.

(5) The applicant or permittee may present additional information in writing or in person to the Region Review Committee.

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(6) The Region Review Committee shall meet, consider information presented, and provide written findings to the Region Manager.

(7) The Region Manager shall review the Committee's findings and approve, modify, or reverse the original decision; and

(a) Shall notify the applicant in writing within 21 days of the committee meeting;

(b) Shall include information on the applicant's right to request a contested case hearing on the original decision; and

(c) May include mitigation measures, conditions and terms to be incorporated into the Construction Permit or Permit to Operate or intergovernmental agreement for a public approach.

(8) An applicant may request a collaborative discussion within the Region Review process:

(a) Both the applicant and the Department must agree to the collaborative discussion.

(b) The collaborative discussion:

(A) Will be conducted under the Alternative Dispute Resolution model in ORS 183.502; and

(B) Will include a time limit of 45 days, or longer if the Department and the applicant agree, in the Agreement to Collaborate.

(c) The Region Manager is the final agreement authority and may make a binding decision for the Department.

(d) Any agreement made by the Region Manager:

(A) Shall be documented in writing;

(B) May require conditions or limitations to be incorporated into the Construction Permit or Permit to Operate; and

(C) Shall include information on the applicant's right to request a contested case hearing on the original decision.

Stat. Auth.: ORS 184.616, 184.619, 374.310, 374.312, 374.345 & Ch. 972 & Ch. 974, OL 1999

Stats. Implemented: ORS 374.305 - 374.345, 374.990 & Ch. 974, OL 1999, Ch. 371, OL 2003

Hist.: TO 4-2000, f. & cert. ef. 7-14-00, cert. ef. 4-1-00; HWD 2-2004, f. 2-18-04, cert. ef. 3-1-04, Renumbered from 734-051-0390; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0500

Authority and Purpose of OAR 734-051-0500 through 734-051-0560

(1) Pursuant to ORS 374.313, a person holding an interest in real property, which is or would be served by an approach may appeal the closure or denial of the approach under OAR 734-051-0355 by filing a claim for relief when:

(a) The Department closes an approach for which a permit was issued under ORS 374.310 or that was allowed by law prior to enactment of statutory permit requirements for approach roads; and

(b) Such closure or denial is not the result of conditions contained in a contract, condemnation judgment, recorded deed or permit.

(2) The Department may offer remedies upon such closure or denial.

(3) OARS 734-051-0500 through 734-051-0560:

(a) Establish administrative remedies to address issues related to real property, value, utility and use; and

(b) Provide a simplified procedure for resolving the claim.

Stat. Auth.: ORS 184.616, 184.619, 374.313 & 374.345

Stats. Implemented: ORS 374.310, 374.313 & 374.345

Hist.: TO 7-2000, f. & cert. ef. 7-14-00; HWD 8-2005, f. & cert. ef. 9-16-05; HWD 2-2007, f. & cert. ef. 1-26-07; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

734-051-0530

Procedure for Resolving Claims

(1) Parties may agree to participate in mediation consistent with the applicable provisions of ORS 36.180 to 36.210 at any time during the process of determining the appropriate remedies, but prior to the final order in any contested case under OAR 734-051-0355.

(2) During mediation the parties may discuss any appropriate remedies in reaching agreement. Such mediation may also occur during the collaborative discussion phase of the review procedure for the denial or closure. (See OAR 734-051-0345).

(3) The property owner and the Department also may enter into an agreement to collaborate if the Department determines that the difference between the remedies offered and remedies claimed by the property owner is less than \$30,000.

(a) The agreement to collaborate may provide for a mutually chosen mediator as defined in ORS 36.185 to 36.210 to review the information made available to each party as of that time and other information mutually agreed to by the parties.

(b) The value of the remedies offered and claimed will include a dollar value assigned by the Department to any non-monetary remedies. Such review will result in a recommendation of remedies, subject to the condi-

tion that such remedies are neither less than the lower nor more than the greater of the offer and claim, in terms of assigned monetary value.

(c) The remedies recommended by the third party will be presented to the Director or the Director's designee. The Director or designee shall take this recommendation into consideration in making subsequent offers of remedies.

Stat. Auth.: ORS 184.616, 184.619, 374.313 & 374.345

Stats. Implemented: ORS 374.310, 374.313 & 374.345

Hist.: TO 7-2000, f. & cert. ef. 7-14-00; HWD 8-2005, f. & cert. ef. 9-16-05; HWD 8-2010(Temp), f. & cert. ef. 7-30-10 thru 1-21-11

Department of Transportation, Motor Carrier Transportation Division Chapter 740

Rule Caption: Adoption of a new rule describing and governing weight declaration for a solo motor vehicle.

Adm. Order No.: MCTD 2-2010

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10

Notice Publication Date: 6-1-2010

Rules Adopted: 740-035-0142

Subject: This new rule provides direction and consistent application regarding a motor carrier's declaration of maximum vehicle weight when operating a solo commercial motor vehicle without a trailer. For the purpose of properly reporting and paying weight-mile tax, a motor carrier must declare a maximum weight at which a motor vehicle or combination of vehicles is intended to operate. Some motor vehicles have multiple weight declarations because they operate in various configurations, pulling different size trailers or no trailers at all. The rule clarifies how to properly determine a declared solo weight for various vehicle types.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-035-0142

Solo Vehicle Weight

(1) Solo vehicle, for the purposes of ORS 825.005(4) and 825.474, means any motor vehicle that is self-propelled or designed for self-propulsion. It includes, but is not limited to: A truck tractor, a dromedary truck-tractor, a motor truck, a bus, a fixed load power unit, or any motor vehicle used in furtherance of a commercial business.

(2) The declared weight for a solo motor vehicle that is designed and used exclusively to pull trailers and cannot carry a load on the motor vehicle itself is determined by subtracting the maximum weight the trailer can legally carry from the declared weight of the first combination weight for the vehicle.

(3) The declared weight for a solo motor vehicle that is designed and used to haul a load, or is a fixed load power unit, and does not operate in combination with a trailer is the highest weight at which the motor carrier declares the vehicle will be operated.

(4) The declared weight for a solo motor vehicle that is designed and used to haul a load or is a fixed load power unit, and operates in combination with a trailer is determined by subtracting the maximum weight the trailer can legally carry from the declared weight of the first combination weight for the vehicle, or the highest weight at which the motor carrier declares the vehicle will be operated, whichever is greater.

(5) When the declared weight of a solo vehicle is 26,000 pounds or less, all solo operations are subject to use fuel tax unless the actual weight is over 26,000 pounds.

(6) If the weight of a solo vehicle exceeds 26,000 pounds, all solo operations during the reporting period are subject to ORS 825.474.

Stat. Auth.: ORS 823.011 & 825.450

Stats. Implemented: ORS 825.005 & 825.474

Hist.: MCTD 2-2010, f. & cert. ef. 7-30-10

Rule Caption: Commercial vehicle inspector qualifications.

Adm. Order No.: MCTD 3-2010

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10

Notice Publication Date: 6-1-2010

Rules Amended: 740-100-0015

Subject: This rule describes the qualifications and standards for a commercial vehicle inspector. The amendment changes the requirement that only individuals employed by ODOT or agencies or par-

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ties under contract with ODOT may qualify to be certified to perform commercial vehicle inspections. ODOT enters into both compensated and non-compensated contracts with law enforcement agencies to conduct commercial vehicle inspections. The amendment removes the contract requirement for an Executive Branch agency of state government. Non-Executive Branch agencies of state government and other parties including local governments and private contractors would still be required to enter into a contract with ODOT to conduct commercial vehicle inspections in order for their employees to qualify for commercial vehicle inspector certification.

Rules Coordinator: Lauri Kunze—(503) 986-3171

740-100-0015

Commercial Vehicle Inspector

(1) The Department may certify an individual as a commercial vehicle inspector pursuant to ORS 810.560 if the individual:

(a) Is an employee of the Department and:

(A) Successfully completes a commercial vehicle safety inspector training program administered by the Department; and

(B) Performs the minimum number of North American Standard safety inspections as prescribed by the Commercial Vehicle Safety Alliance; or

(b) Is employed by an Executive Branch agency of state government, or is employed by an agency or party under contract with the Department to conduct commercial vehicle inspections and:

(A) Successfully completes a commercial vehicle safety inspector training program administered by the Department;

(B) Performs the minimum number of North American Standard safety inspections as prescribed by the Commercial Vehicle Safety Alliance; and

(C) Has disclosed to the Department any pecuniary interest in, or current employment relationship with, a regulated motor carrier, and if requested by the Department, has divested of any such pecuniary interest or severed any such employment relationship.

(2) A commercial vehicle inspector certification may be revoked by the Department if Department records or investigation indicates that the inspector:

(a) No longer meets the criteria established in section (1) of this rule;

(b) Has repeatedly failed, without adequate reason, to maintain annual equipment or driver out-of-service rates that are reasonably consistent with, or exceed, Oregon out-of-service averages;

(c) Has failed to adhere to the Commercial Vehicle Safety Plan published by the Department; or

(d) Has committed malfeasance in the performance of official duties.

(3) A commercial vehicle inspector who has had their certification revoked, may be re-certified only after Department approval.

Stat. Auth.: ORS 823.011 & 825.232

Stats. Implemented: ORS 810.560, 825.210 & 825.250

Hist.: MCTD 1-2004, f. & cert. ef. 1-15-04; MCTD 2-2005, f. 3-18-05, cert. ef. 4-1-05;

MCTD 3-2010, f. & cert. ef. 7-30-10

Department of Transportation, Transportation Safety Division Chapter 737

Rule Caption: Updates Transportation Safety Division's rules following legislative changes to the driver education program.

Adm. Order No.: TSD 3-2010

Filed with Sec. of State: 7-30-2010

Certified to be Effective: 7-30-10

Notice Publication Date: 6-1-2010

Rules Amended: 737-015-0020, 737-015-0030, 737-015-0090, 737-015-0100, 737-015-0110

Rules Repealed: 737-015-0020(T), 737-015-0030(T), 737-015-0090(T), 737-015-0100(T), 737-015-0110(T)

Subject: These amended rules implement legislation enacted by the 2009 Legislative Assembly. Chapter 394, Oregon Laws 2009 (SB 125) amends many of the statutes pertaining to student traffic safety education courses and adds new provisions that became effective July 1, 2009. Temporary rules were filed February 17, 2010. This rulemaking updates OAR 737-015-0020, 737-015-0030, 737-015-0090, 737-015-0100, and 737-015-0110 to make permanent those administrative rules and to be in compliance with these law changes.

Rules Coordinator: Lauri Kunze—(503) 986-3171

737-015-0020

Definitions

As used in division 15 rules, unless the context otherwise requires:

(1) "Approved certification" means any form, sticker, or validation, approved by the Department, that serves as proof of completion of a traffic safety education course.

(2) "Approved provider" is an educational facility or a driving school that provides instruction using a Division-approved curriculum by instructors who have completed a Division-approved instructor course of study:

(a) An educational facility is a public provider; and

(b) A driving school is a private provider. To qualify as an approved provider, the driving school owner, operator or instructor must certify and provide verification annually that an instructor meets all requirements of employment and remains in compliance with OAR 735-160-0003 through 735-160-0130.

(3) "Audits" means the Division's audits of approved providers performed on-site to review student, curriculum, and instructor records to ensure that the providers are in compliance with OAR 737-015-0010 through 737-015-0110. An audit may include observation of the instructor during behind-the-wheel and classroom instruction.

(4) "Behind-the-wheel" instruction means the portion of the traffic safety education course that requires the student to be located behind the steering wheel of a motor vehicle or simulated vehicle, operating it either in real or simulated traffic situations, through the direct guidance of a driver education instructor.

(a) Four hours of simulation is equal to one hour of behind the wheel instruction.

(b) One hour of operating a motor vehicle is equal to one hour of behind the wheel instruction.

(5) "Classroom instruction" means that portion of traffic safety education instruction that is given in a classroom situation and is not included as a portion of the behind-the-wheel instruction.

(6) "Completing the course" means completing an Oregon Department of Transportation, Transportation Safety Division-approved traffic safety education course.

(7) "Concurrent" means the integration of classroom instruction and behind the wheel instruction. No less than four and no more than 10 hours of classroom instruction will be completed before starting behind-the-wheel instruction. The classroom and behind-the-wheel instruction will be well organized and coordinated.

(8) "Curriculum guide" means a document that describes what the students need to learn and provides a guide for instructors as they prepare for instruction. It is a document that assists traffic safety instructors and district coordinators in meeting the needs of the regulations identified in OAR 737-015-0030.

(9) "Department" or "ODOT" means the Oregon Department of Transportation.

(10) "Division" or "TSD" means the Transportation Safety Division of the Oregon Department of Transportation.

(11) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(12) "Driving school" means a commercial vendor, owner, operator or instructor who teaches traffic safety education directly to teen drivers and the school is certified by DMV under OAR 735-160-0003 through 735-160-0130, relating to Commercial Driver Training Schools.

(13) "Driving school owner, operator or instructor" means a person who is certified by DMV under OAR 735-160-0003 through 735-160-0130, relating to Commercial Driver Training Schools.

(14) "Driving simulator" means an electromechanical device designed to represent the driver's compartment of the automobile and with the use of films or video programs attempts to develop judgment, decision-making skills, behavior response, and manipulative skills essential in learning the driving task.

(15) "Dual control" means an additional brake pedal installed as specified by the manufacturer, for use by the traffic safety education instructor to assist in an emergency when a student driver is at the regular controls during behind-the-wheel instruction. Dual controls consist of a foot brake for both the student driver and the instructor, connected either by mechanical or hydraulic means.

(16) "Educational facility" includes any public school district, education service district, community college district, any facility for the deaf operated under ORS 346.010.

(17) "Eligible student" means a student that is at least 15 years of age, who has not reached 18 years of age and has a valid instruction driver permit.

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(18) "Hours" means clock hours, not including breaks or other time that does not apply to actual instruction.

(19) "Lesson plan" means a written outline of the content and method of instruction. Required elements are specified in OAR 737-015-0030.

(20) "Practice driving observation" means that portion of traffic safety education instruction given in a dual control vehicle as the instructor observes the student driver and engages the back seat passengers in discussion of the student driver operation of the motor vehicle.

(21) "Public school" means a school district, education service district, community college district, any facility for the deaf operated under ORS 346.010.

(22) "Scope and sequence" means a written outline that provides a framework for the knowledge, skills, driving behaviors and habits that students are expected to acquire in the classroom and behind-the-wheel portion of a traffic safety education program.

(23) "Simulation" means the portion of the behind-the-wheel traffic safety education course given in a driving simulator.

(24) "Traffic safety education" means a course consisting of classroom instruction, practice driving, and in some cases practice driving observation, all devoted to educating teen student drivers in safe and proper driving practices.

(25) "Valid instruction driver permit" means an instruction permit issued by the State of Oregon under ORS 807.280 or an interim driver card issued by the State of Oregon under 807.310 that is in the student's name and is not expired, canceled, suspended or revoked.

Stat. Auth.: ORS 184.616, 184.619 & 802.345

Stats. Implemented: ORS 336.800, 336.805, 336.810, 802.110, 802.345 & 807.065

Hist.: TSS 1-2000(Temp), f. 2-11-00, cert. ef. 3-1-00 thru 8-27-00; TSS 2-2000, f. 8-10-00, cert. ef. 8-28-00; TSD 1-2007, f. 3-26-07, cert. ef. 4-1-07; TSD 2-2010(Temp), f. & cert. ef. 2-25-10 thru 8-20-10; TSD 3-2010, f. & cert. ef. 7-30-10

737-015-0030

Curriculum Requirements

(1) Each approved provider must appoint a person responsible for ensuring that all driver education requirements are met and to be the contact person with the Division.

(2) Each approved provider must develop a lesson plan that includes:

- (a) The title of the lesson or module to be taught;
- (b) Prerequisites;
- (c) Overall objectives;
- (d) Performance objectives;
- (e) Materials and resources;
- (f) Instructor and student activities;
- (g) Time breakdown;
- (h) Methods of assessment; and
- (i) Assignments.

(3) Each approved provider must adopt written policies that include:

- (a) Enrollment criteria;
- (b) Student fees and refunds;
- (c) Course failures and repeats; and
- (d) Minimum and maximum course duration.

(4) Each approved provider must submit in writing, all reportable motor vehicle accidents that involve a driver education motor vehicle to the Division within three working days of the accident.

(5) A traffic safety education program curriculum must include:

(a) A minimum of 30 hours of classroom instruction not exceeding six hours per week or three hours per day that includes:

(A) Instructing students about driving on all types of Oregon roads to enable the student to acquire knowledge about driving techniques and experiences and sharing the road with other highway users such as bicycles, motorcycles, pedestrians, trains, cars, trucks, and rail in a positive and courteous manner;

(B) Driver responsibility of automobile maintenance, fuel efficient driving, potential distractions, safety restraint (belt) use, and legal and moral responsibilities;

(C) Preparing and controlling the vehicle;

(D) Identification and proper use of signs, signals, markings, roadway types and variations such as county, city, expressways, freeways, and interstates;

(E) How to enter, use, and exit different types of intersections;

(F) Basic automobile maneuvers and traffic flow;

(G) Management of time and space using accepted and current practices, including targeting, line of sight/path of travel, model driving habits and reference point concepts;

(H) Defensive driving practices;

(I) Rules of the road;

(J) How the laws of physics and natural laws affect driving;

(K) How physical, emotional, and psychological conditions such as personal attitudinal traits affect driving;

(L) How alcohol and other drugs affect driving; and

(M) Emergency situations and vehicle malfunctions.

(b) A minimum of six hours of behind-the-wheel instruction not exceeding 90 minutes of driving per day per student that includes:

(A) The rules and procedures of operating an automobile;

(B) The visual skills to obtain correct information and make reduced-risk decisions about driving maneuvers;

(C) Vehicle movement in a precise and timely manner to avoid conflict with others;

(D) Pre-drive procedures that include use of vehicle controls, door locks and head restraints, having headlights on at all times and use of safety (belt) restraints;

(E) Basic maneuvers that include starting, stopping, backing, vehicle control, speed control, parking, pulling to and from the curb, right-of-way, and push/pull and hand-over-hand steering;

(F) Complex maneuvers that include entering and exiting an intersection, entering and exiting curves, lane changes, merging, passing, turns in traffic, city driving, and three-point turnabouts; and

(G) Visual skills, including automobile mirror usage, using current and accepted practices, including targeting, line of sight, path of travel, model driving habits, and reference point concepts.

(c) A minimum of six hours of practice driving observation not exceeding three hours of observation per day per student.

(d) Parent, legal guardian, or supervising adult involvement that includes participating in a parent meeting and submitting documentation, in the form of a log or other means, demonstrating to the provider that a minimum of five hours of supervised home practice was conducted prior to the completion of the course. This supervised home practice is not counted as a part of the classroom, behind-the-wheel, and practice driving observation of the provider course.

(e) A skill assessment for each student driver that covers, at a minimum:

(A) Positioning a vehicle based on visual referencing skills, space management, fender judgment and road position control;

(B) Procedures and sequencing for vehicle operations from the simple to the complex skill based on vehicle operation control, vehicle maneuvering, vehicle control options, and vehicle balance;

(C) Processing traffic and vehicle information into speed and position changes based on visual skills, space management, vehicle speed control, and control of the road; and

(D) Precision movements for maintaining vehicle control and balance in expected and unexpected situations based on vehicle speed control, vehicle balance, collision avoidance, traction control, response to mechanical failures and traction loss.

(6) A traffic safety education curriculum guide shall be approved by ODOT-TSD prior to program implementation. The guide must be reviewed and updated every three years thereafter from the initial approval date. The guide shall be available for review by ODOT-TSD on request. A curriculum guide shall include the following elements:

(a) Philosophy;

(b) Goals and objectives;

(c) Scope and sequence;

(d) Major instructional activities;

(e) Suggested teaching strategies;

(f) Lists of available materials and resources;

(g) Procedures for student and program evaluation;

(h) A written lesson plan with a coordinated flow chart for each classroom and behind-the-wheel session; and

(i) A written drive route that supports each behind-the-wheel lesson plan with specific driving behaviors to be practiced, directions and strategies to improve student performance and habit development. The drive route cannot duplicate the DMV drive test route.

(7) Classroom and behind-the-wheel instructions and practice driving observation must be offered concurrently. Behind-the-wheel instruction and practice driving observation of a particular skill or behavior may not precede the classroom instruction of that same skill or behavior.

(8) No program will be completed in less than 35 days and no more than 180 days. An extension beyond the 180 days may be provided if there is compelling reason dealing with school, family or medical circumstances and has been agreed upon with provider and student before the completion of the course.

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(9) At the end of each program, the provider will issue a Department approved certification to each student that successfully completes the traffic safety education course.

(10) Exception – The classroom portion of a driver education program, required under section (5)(a) of this rule, offered from June through August may be conducted over a shorter period of time and for longer hours. The classroom instruction must be conducted over no less than a three-week period with no more than 10 hours of classroom instruction per week, not exceeding three hours per day. In no case shall the student complete the course in fewer than 35 days.

(11)(a) Waivers – Waivers may be requested by the approved provider as follows:

(b) A waiver of the minimum of six hours of practice driving observation, required under section (5)(c) of this rule, may be requested from the Division Administrator or his or her designee if a particular student and his or her parent, legal guardian or supervising adult requests that the student be given one-on-one instruction.

(12) A waiver request under section (11) of this rule must include:

(a) A compelling reason for the request;

(b) Why granting such a waiver will not adversely affect the learning of the participating student(s); and

(c) Parental support of such scheduling.

Stat. Auth.: ORS 184.616, 184.619 & 802.345

Stats. Implemented: ORS 336.800, 336.805, 336.810, 802.110, 802.345 & 807.065

Hist.: TSS 1-2000(Temp), f. 2-11-00, cert. ef. 3-1-00 thru 8-27-00; TSS 2-2000, f. 8-10-00, cert. ef. 8-28-00; TSD 1-2007, f. 3-26-07, cert. ef. 4-1-07; TSD 2-2010(Temp), f. & cert. ef. 2-25-10 thru 8-20-10; TSD 3-2010, f. & cert. ef. 7-30-10

737-015-0090

Recordkeeping

(1) To ensure accurate recording and reporting, an approved provider must complete and return all required traffic safety education course recording and reporting forms supplied by the Division before or on the required dates.

(2) The approved provider must maintain the following records:

(a) A record for each student who begins, regardless of whether or not the student completes, a traffic safety education course including:

(A) The dates the course was taken;

(B) The final grade achieved, if course is completed;

(C) Verification that the student had a valid instruction driver permit on the first day of class;

(D) The student's mailing address;

(E) The student's progress;

(F) A record of home practice;

(G) Time involvement;

(H) Evaluation results; and

(I) Attendance – classroom and behind-the-wheel start and end times and dates.

(b) A record for all instructors, including current and past instructors, who have conducted the classroom or behind-the-wheel portion of a traffic safety course including documentation showing compliance with 737-015-0070(2) through 737-015-0070(6) during the period of time the instructor taught.

(c) A copy of the curriculum guide currently in use.

(d) A copy of all accident reports for reportable accidents relating to a driver education motor vehicle owned or operated by the approved provider.

(e) A copy of written policies and procedures required by OAR 737-015-0030 and ORS 336.805.

(f) Record of the tuition charged a student.

(g) Expenditure and reimbursement records that support the request for reimbursement as provided by ORS 336.805 and as required by OAR 737-015-0100(8).

(3) Approved providers' records must be retained for five years for instructors and 10 years for all other program records.

Stat. Auth.: ORS 184.616, 184.619 & 802.345

Stats. Implemented: ORS 336.800, 336.805, 336.810, 802.110, 802.345 & 807.065

Hist.: TSS 1-2000(Temp), f. 2-11-00, cert. ef. 3-1-00 thru 8-27-00; TSS 2-2000, f. 8-10-00, cert. ef. 8-28-00; TSD 1-2007, f. 3-26-07, cert. ef. 4-1-07; TSD 2-2010(Temp), f. & cert. ef. 2-25-10 thru 8-20-10; TSD 3-2010, f. & cert. ef. 7-30-10

737-015-0100

Reimbursement for Traffic Safety Education Courses

(1) The ODOT-TSD will reimburse approved providers for traffic safety education courses that meet the requirements of OAR 737-015-0010 through 737-015-0110.

(2) Approved public providers amount of reimbursement shall not be greater than the net cost of conducting the course, nor shall it exceed \$210

per pupil completing the course. In no case shall the public provider receive more than its eligible expenses less tuition received.

(3) Approved private providers amount of reimbursement shall not be greater than the net actual cost of conducting the course, plus a profit of not more than 12% of the net actual cost of conducting the course, unless under contract to a public provider; but in no event shall it exceed \$210 per pupil completing the course.

(4) If funds available to the ODOT-TSD for the Student Driver Training Fund are not adequate to pay all approved claims in full, approved providers will receive a pro rata reimbursement based upon the ratio of the total amount of funds available to the total amount of funds required for maximum allowable reimbursement. Calculation for pro rata reimbursement will be as follows: the total amount of funds available in the Student Driver Training Fund will be divided by the statewide total number of students eligible for reimbursement. This calculation will generate a prorated per student amount. Each approved provider's reimbursement will be determined by multiplying the prorated amount times the number of eligible students claimed by the approved provider.

(5) Claims received after the published deadline will not be considered for reimbursement at any time.

(6) Accurate and complete records of the cost of conducting a traffic safety education course must be kept in accordance with generally accepted accounting principles, and reports must be submitted to the ODOT-TSD by each approved provider seeking reimbursement on Division-approved reimbursement forms. All student fees must be received by the approved provider seeking reimbursement.

(7) Distribution of funds available in the Student Driver Training Fund shall be made no more than once a month by the ODOT-TSD Administrator based on the reimbursement form submitted by the approved provider.

(8) The ODOT-TSD will reimburse costs of traffic safety education courses that comply with OAR 737-015-0010 to 737-015-0110.

(9) Approved providers shall receive reimbursement only for eligible students who have completed the traffic safety education course prior to issuance of their Oregon provisional driver license and who have not reached the age of 18.

Stat. Auth.: ORS 184.616, 184.619 & 802.345

Stats. Implemented: ORS 336.800, 336.805, 336.810, 802.110, 802.345 & 807.065

Hist.: TSS 1-2000(Temp), f. 2-11-00, cert. ef. 3-1-00 thru 8-27-00; TSS 2-2000, f. 8-10-00, cert. ef. 8-28-00; TSS 2-2001, f. & cert. ef. 8-13-01; TSD 1-2007, f. 3-26-07, cert. ef. 4-1-07; TSD 2-2010(Temp), f. & cert. ef. 2-25-10 thru 8-20-10; TSD 3-2010, f. & cert. ef. 7-30-10

737-015-0110

Audits and Investigation

(1) The ODOT-TSD may periodically audit all approved providers to determine compliance with laws and rules pertaining to the operation of the approved provider's program and instructor certification requirements. Approved providers must allow the ODOT-TSD to conduct audits with prior notice during regular school or business hours.

(a) Periodic audits may include examination of:

(A) Student driver records for which division approved driver training was conducted by the provider regardless of whether the student driver completed or failed to complete the school's driver training program;

(B) Qualifications of traffic safety instructors;

(C) Other items the ODOT-TSD deems necessary such as classroom and behind-the-wheel instructor observations, vehicle equipment, vehicles and instructional materials; and

(D) Financial and fiscal information used to determine the reimbursable costs and profit as outlined in 737-015-0100.

(b) Refusal to permit an audit will result in notice from the ODOT-TSD requiring the provider to cease and desist from classroom and behind-the-wheel instruction and the use of the ODOT-TSD-approved completion seal.

(c) An ODOT-TSD representative will prepare a written report of each audit. A copy of the ODOT-TSD representative's report, including any corrective action, will be sent to the provider.

(d) Approved providers must correct any deficiency identified by an ODOT-TSD inspector during an on-site audit within 30 calendar days of the date of the audit. A corrective action report must be provided to the ODOT-TSD. If not corrected, approved providers will not be eligible for reimbursement. When non-compliance of rules continues the ODOT-TSD may revoke or cancel recognition of the provider and notify DMV.

(2) The ODOT-TSD may investigate any complaint it receives about an approved provider or instructor. The authorized provider or provider's employees must cooperate with the ODOT-TSD during the investigation. If requested by the ODOT-TSD, the approved provider must provide a written response to the complaint within 10 working days by either mail or fac-

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simile from the date the ODOT-TSD notifies the provider of the complaint. The ODOT-TSD must prepare a written report of each investigation. A copy of the ODOT-TSD report, including any corrective action, will be sent to the provider. If not corrected, approved providers will not be eligible for reimbursement. When non-compliance of rules continues the ODOT-TSD may revoke or cancel recognition of the provider and notify DMV.

(3) The ODOT-TSD may revoke its approval of a provider or instructor upon providing five days advance notice when ODOT-TSD determines, through an audit or investigation, that the safety of students or members of the general public is being endangered because of unsafe practices or use of unsafe equipment.

(4) An approved provider or instructor whose approval has been suspended, revoked, or cancelled is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(5) When ODOT-TSD takes action to suspend, revoke or cancel an approved provider ODOT-TSD will send notice to the approved provider or instructor listed. The notice will be in writing and state that the suspension, revocation, or cancellation will begin either in five calendar days (an immediate suspension or cancellation) or in 30 calendar days from the date on the notice. The notice will be served by first class mail sent to the current address on record with ODOT-TSD.

(6) When ODOT-TSD takes action to suspend, revoke or cancel an instructor approval ODOT-TSD will send notice to the instructor listed on the Instructor Report. The notice will be in writing and state that the suspension, revocation, or cancellation will begin either in five calendar days (for an immediate suspension or cancellation) or in 30 calendar days from the date on the notice. The notice will be served by first class mail sent to the current school address on record with ODOT-TSD.

(7) Except as provided for in section (9) of this rule, a request for a hearing must be submitted in writing to, and received by, ODOT-TSD within 20 days of the date of the notice. If a hearing request is received in a timely manner the suspension, revocation or cancellation will not go into effect pending the outcome of the hearing, unless the approval is immediately suspended or cancelled.

(8) If the approval is immediately suspended or cancelled as set forth in section (6) and (7) of this rule, the request for hearing shall be submitted in writing to, and received by, ODOT-TSD within 90 days of the date of notice of suspension. The suspension or cancellation shall remain in effect pending the outcome of the hearing.

(9) Except as provided in OAR 137-003-0003, when no request for a hearing is received by the deadline, the approved provider or instructor has waived the right to a hearing. ODOT-TSD's file shall constitute the record of the case, and a default order shall be issued by ODOT-TSD.

(10) If a provider or instructor approval has been revoked, the provider or instructor may reapply after a period of revocation of five years and must meet all the requirements for approval.

(11) If the provider or instructor approval is cancelled, the provider or instructor may reapply when they have met all of the requirements.

(12) At the end of a suspension period, ODOT-TSD will reinstate the provider or instructor approval unless the provider or instructor does not meet the qualification requirements for the approval. If the approval has expired, the provider or instructor must reapply and must meet all the requirements for new certification.

Stat. Auth.: ORS 184.616, 184.619, 802.345
Stats. Implemented: ORS 336.800, 336.805, 336.810, 802.110, 802.345, 807.065
Hist.: TSD 1-2007, f. 3-26-07, cert. ef. 4-1-07; TSD 2-2010(Temp), f. & cert. ef. 2-25-10 thru 8-20-10; TSD 3-2010, f. & cert. ef. 7-30-10

Department of Veterans' Affairs Chapter 274

Rule Caption: Mediation Communication Confidentiality and Workplace Interpersonal Dispute Rules.

Adm. Order No.: DVA 2-2010

Filed with Sec. of State: 7-26-2010

Certified to be Effective: 7-26-10

Notice Publication Date: 7-1-2010

Rules Adopted: 274-007-0001, 274-007-0002

Rules Repealed: 274-007-0001(T)

Subject: The proposed rule 274-007-0001 establishes procedures for the Oregon Department of Veterans' Affairs (ODVA) to make mediation communications confidential and to limit the discovery and admissibility of mediation communications in subsequent proceed-

ings. This rule covers mediation in which ODVA is a party or is mediating a dispute as to which the agency has regulatory authority.

The proposed rule 274-007-0002 establishes procedures for ODVA to exercise its discretion in determining which disputes are mediated confidentially. This rule allows the parties to agree in writing to limit what they may later disclose or use in court from the mediation of disputes among ODVA employees.

Rules Coordinator: Bruce Craig—(503) 373-2327

274-007-0001

Confidentiality and Inadmissibility of Mediation Communications.

Confidentiality and Inadmissibility of Mediation Communications.

(1) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(2) Nothing in this rule affects any confidentiality created by other law. Nothing in this rule relieves a public body from complying with the Public Meetings Law, ORS 192.610 to 192.690. Whether or not they are confidential under this or other rules of the agency, mediation communications are exempt from disclosure under the Public Records Law to the extent provided in 192.410 to 192.505.

(3) This rule applies only to mediations in which the agency is a party or is mediating a dispute as to which the agency has regulatory authority. This rule does not apply when the agency is acting as the "mediator" in a matter in which the agency also is a party as defined in ORS 36.234.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Mediations Excluded. Sections (6)–(10) of this rule do not apply to:

(a) Mediation of workplace interpersonal disputes involving the interpersonal relationships between this agency's employees, officials or employees and officials, unless a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed; or

(b) Mediation in which the person acting as the mediator will also act as the hearings officer in a contested case involving some or all of the same matters;

(c) Mediation in which the only parties are public bodies;

(d) Mediation involving two or more public bodies and a private party if the laws, rule or policies governing mediation confidentiality for at least one of the public bodies provide that mediation communications in the mediation are not confidential; or

(e) Mediation involving 15 or more parties if the agency has designated that another mediation confidentiality rule adopted by the agency may apply to that mediation.

(6) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c)–(d), (j)–(l) or (o)–(p) of section (9) of this rule.

(7) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in sections (8)–(9) of this rule, mediation communications are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced as evidence by the parties or the mediator in any subsequent proceeding.

(8) Written Agreement. Section (7) of this rule does not apply to a mediation unless the parties to the mediation agree in writing, as provided in this section, that the mediation communications in the mediation will be confidential and/or nondiscoverable and inadmissible. If the mediator is the employee of and acting on behalf of a state agency, the mediator or an authorized agency representative must also sign the agreement. The parties' agreement to participate in a confidential mediation must be in substantially the following form. This form may be used separately or incorporated into an "agreement to mediate."

AGREEMENT TO PARTICIPATE IN A CONFIDENTIAL MEDIATION

The Oregon Department of Veterans' Affairs and the parties to the mediation agree to participate in a mediation in which the mediation communications are confidential and/or nondiscoverable and inadmissible to the extent authorized by OAR 274-007-0001(7) and this agreement.

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This agreement relates to the following mediation:
To the extent authorized by OAR 274-007-0001(7), mediation communications in this mediation are: (check one or more)

- Confidential and may not be disclosed to any other person.
 Not admissible in any subsequent administrative proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative proceeding.
 Not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent administrative, judicial or arbitration proceeding, or introduced as evidence by the parties or the mediator in any subsequent administrative, judicial or arbitration proceeding.

Name of Agency: Oregon Department of Veterans' Affairs

Signature of ODVA's authorized representative (if ODVA is a party) _____ Date _____

Signature of ODVA employee acting as the mediator (if ODVA is mediating the dispute) _____ Date _____

Name of party to the mediation _____

Signature of party's authorized representative _____ Date _____

Name of party to the mediation _____

Signature of party's authorized representative _____ Date _____

(9) Exceptions to confidentiality and inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) Any mediation communication related to the conduct of a licensed professional that is made to or in the presence of a person who, as a condition of his or her professional license, is obligated to report such communication by law or court rule is not confidential and may be disclosed to the extent necessary to make such a report.

(e) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(f) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(g) An employee of the agency may disclose confidential mediation communications to another agency employee so long as the disclosure is necessary to conduct authorized activities of the agency. An employee receiving a confidential mediation communication under this subsection is bound by the same confidentiality requirements as apply to the parties to the mediation.

(h) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(i) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent

necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(j) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(k) When a mediation is conducted as part of the negotiation of a collective bargaining agreement, the following mediation communications are not confidential and such communications may be introduced into evidence in a subsequent administrative, judicial or arbitration proceeding:

- (A) A request for mediation; or
- (B) A communication from the Employment Relations Board Conciliation Service establishing the time and place of mediation; or
- (C) A final offer submitted by the parties to the mediator pursuant to ORS 243.712; or
- (D) A strike notice submitted to the Employment Relations Board.

(l) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(m) Written mediation communications prepared by or for the agency or its attorney are not confidential and may be disclosed and may be introduced as evidence in any subsequent administrative, judicial or arbitration proceeding to the extent the communication does not contain confidential information from the mediator or another party, except for those written mediation communications that are:

- (A) Attorney-client privileged communications so long as they have been disclosed to no one other than the mediator in the course of the mediation or to persons as to whom disclosure of the communication would not waive the privilege; or
- (B) Attorney work product prepared in anticipation of litigation or for trial; or
- (C) Prepared exclusively for the mediator or in a caucus session and not given to another party in the mediation other than a state agency; or
- (D) Prepared in response to the written request of the mediator for specific documents or information and given to another party in the mediation; or
- (E) Settlement concepts or proposals, shared with the mediator or other parties.

(n) A mediation communication made to the agency may be disclosed and may be admitted into evidence to the extent the Department of Veterans' Affairs Director or designee determines that disclosure of the communication is necessary to prevent or mitigate a serious danger to the public's health or safety, and the communication is not otherwise confidential or privileged under state or federal law.

(o) The terms of any mediation agreement are not confidential and may be introduced as evidence in a subsequent proceeding, except to the extent the terms of the agreement are exempt from disclosure under ORS 192.410 to 192.505, a court has ordered the terms to be confidential under ORS 30.402 or state or federal law requires the terms to be confidential.

(p) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(10) When a mediation is subject to section (7) of this rule, the agency will provide to all parties to the mediation and the mediator a copy of this rule or a citation to the rule and an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 36.224 & 184.340
Stats. Implemented: ORS 36.224, 36.228, 36.230 & 36.232
Hist.: DVA 1-2010(Temp), f. & cert. ef. 6-1-10 thru 11-2-10; DVA 2-2010, f. & cert. ef. 7-26-10

274-007-0002 Confidentiality and Inadmissibility of Workplace Interpersonal Dispute Mediation Communications

(1) This rule applies to workplace interpersonal disputes, which are disputes involving the interpersonal relationships between this agency's

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employees, officials or employees and officials. This rule does not apply to disputes involving the negotiation of labor contracts or matters about which a formal grievance under a labor contract, a tort claim notice or a lawsuit has been filed.

(2) The words and phrases used in this rule have the same meaning as given to them in ORS 36.110 and 36.234.

(3) Nothing in this rule affects any confidentiality created by other law.

(4) To the extent mediation communications would otherwise be compromise negotiations under ORS 40.190 (OEC Rule 408), those mediation communications are not admissible as provided in ORS 40.190 (OEC Rule 408), notwithstanding any provisions to the contrary in section (9) of this rule.

(5) Disclosures by Mediator. A mediator may not disclose or be compelled to disclose mediation communications in a mediation and, if disclosed, such communications may not be introduced into evidence in any subsequent administrative, judicial or arbitration proceeding unless:

(a) All the parties to the mediation and the mediator agree in writing to the disclosure; or

(b) The mediation communication may be disclosed or introduced into evidence in a subsequent proceeding as provided in subsections (c) or (h)–(j) of section (7) of this rule.

(6) Confidentiality and Inadmissibility of Mediation Communications. Except as provided in section (7) of this rule, mediation communications in mediations involving workplace interpersonal disputes are confidential and may not be disclosed to any other person, are not admissible in any subsequent administrative, judicial or arbitration proceeding and may not be disclosed during testimony in, or during any discovery conducted as part of a subsequent proceeding, or introduced into evidence by the parties or the mediator in any subsequent proceeding so long as:

(a) The parties to the mediation and the agency have agreed in writing to the confidentiality of the mediation; and

(b) The person agreeing to the confidentiality of the mediation on behalf of the agency:

(A) Is neither a party to the dispute nor the mediator; and

(B) Is designated by the agency to authorize confidentiality for the mediation; and

(C) Is at the same or higher level in the agency than any of the parties to the mediation or who is a person with responsibility for human resources or personnel matters in the agency, unless the agency head or member of the governing board is one of the persons involved in the interpersonal dispute, in which case the Governor or the Governor's designee.

(7) Exceptions to Confidentiality and Inadmissibility.

(a) Any statements, memoranda, work products, documents and other materials, otherwise subject to discovery that were not prepared specifically for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding.

(b) Any mediation communications that are public records, as defined in ORS 192.410(4), and were not specifically prepared for use in the mediation are not confidential and may be disclosed or introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential or privileged under state or federal law.

(c) A mediation communication is not confidential and may be disclosed by any person receiving the communication to the extent that person reasonably believes that disclosing the communication is necessary to prevent the commission of a crime that is likely to result in death or bodily injury to any person. A mediation communication is not confidential and may be disclosed in a subsequent proceeding to the extent its disclosure may further the investigation or prosecution of a felony crime involving physical violence to a person.

(d) The parties to the mediation may agree in writing that all or part of the mediation communications are not confidential or that all or part of the mediation communications may be disclosed and may be introduced into evidence in a subsequent proceeding unless the substance of the communication is confidential, privileged or otherwise prohibited from disclosure under state or federal law.

(e) A party to the mediation may disclose confidential mediation communications to a person if the party's communication with that person is privileged under ORS Chapter 40 or other provision of law. A party to the mediation may disclose confidential mediation communications to a person for the purpose of obtaining advice concerning the subject matter of the mediation, if all the parties agree.

(f) A written mediation communication may be disclosed or introduced as evidence in a subsequent proceeding at the discretion of the party

who prepared the communication so long as the communication is not otherwise confidential under state or federal law and does not contain confidential information from the mediator or another party who does not agree to the disclosure.

(g) In any proceeding to enforce, modify or set aside a mediation agreement, a party to the mediation may disclose mediation communications and such communications may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of mediation communications or agreements to persons other than the parties to the agreement.

(h) In an action for damages or other relief between a party to the mediation and a mediator or mediation program, mediation communications are not confidential and may be disclosed and may be introduced as evidence to the extent necessary to prosecute or defend the matter. At the request of a party, the court may seal any part of the record of the proceeding to prevent further disclosure of the mediation communications or agreements.

(i) To the extent a mediation communication contains information the substance of which is required to be disclosed by Oregon statute, other than ORS 192.410 to 192.505, that portion of the communication may be disclosed as required by statute.

(j) The mediator may report the disposition of a mediation to the agency at the conclusion of the mediation so long as the report does not disclose specific confidential mediation communications. The agency or the mediator may use or disclose confidential mediation communications for research, training or educational purposes, subject to the provisions of ORS 36.232(4).

(8) The terms of any agreement arising out of the mediation of a workplace interpersonal dispute are confidential so long as the parties and the agency so agree in writing. Any term of an agreement that requires an expenditure of public funds, other than expenditures of \$1,000 or less for employee training, employee counseling or purchases of equipment that remain the property of the agency, may not be made confidential.

(9) When a mediation is subject to section (6) of this rule, the agency will provide to all parties to the mediation and to the mediator a copy of this rule or an explanation of where a copy of the rule may be obtained. Violation of this provision does not waive confidentiality or inadmissibility.

Stat. Auth.: ORS 36.224
Stats. Implemented: ORS 36.230(4)
Hist.: DVA 2-2010, f. & cert. ef. 7-26-10

***** Employment Department Chapter 471

Rule Caption: Allow federal extension of 100% Extended benefits to apply to additional qualified individuals.

Adm. Order No.: ED 4-2010

Filed with Sec. of State: 7-16-2010

Certified to be Effective: 7-16-10

Notice Publication Date: 4-1-2010

Rules Adopted: 471-030-0225

Rules Repealed: 471-030-0225(T)

Subject: Allow federal extension of 100% Extended Benefits to apply to qualified individuals. This rule will permit additional individuals to qualify beyond their benefit year.

Rules Coordinator: Courtney Brooks—(503) 947-1724

471-030-0225

Extended Benefits Look Back

As used in ORS 657.321 to ORS 657.329, when an individual's benefit year ends before the start of an Extended Benefits period and federal law provides funding greater than 50% of Extended Benefits, the Director shall allow for an eligibility period that begins within the Extended Benefits period.

Stat. Auth.: ORS 657.610
Stats. Implemented:
Hist.: ED 2-2010(Temp), f. & cert. ef. 3-3-10 thru 8-29-10; ED 4-2010, f. & cert. ef. 7-16-10

***** Land Conservation and Development Department Chapter 660

Rule Caption: Implements Senate Bill 1049 (2010) and facilitates local government implementation of measure 49 authorizations.

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Adm. Order No.: LCDD 8-2010
Filed with Sec. of State: 8-9-2010
Certified to be Effective: 8-9-10
Notice Publication Date: 7-1-2010
Rules Adopted: 660-041-0180

Rules Amended: 660-041-0000, 660-041-0010, 660-041-0080, 660-041-0090, 660-041-0110, 660-041-0120, 660-041-0170

Subject: Adopted rules codified in Division 041, under Oregon Administrative Rules (OAR) Chapter 660 direct review under Senate Bill 1049 and Measure 49 (M49) of about 400 otherwise ineligible Measure 37 (M37) claims; and also includes measures for local implementation of M49 authorizations. This rulemaking makes permanent some of the temporary M49 rules adopted by the Land Conservation and Development Commission in April 2010, implementing SB 1049, which enables certain categories of landowners with otherwise ineligible M37 claims to make M49 elections. The bill requires affected claimants pay a \$2,500 fee to cover the costs of further processing their claims and that DLCD process those claims by June 30, 2011. This rulemaking also adopted a new rule to assist local governments in working with landowners to implement their M49 authorizations under Section 11 of M49.

Rules Coordinator: Casaria Tuttle—(503) 373-0050, ext. 322

660-041-0000

Purpose and Applicability

(1) The purpose of OAR 660-041-0000 to 660-041-0150 is to implement Chapter 424, Oregon Laws 2007 (2007 Oregon Ballot Measure 49), Chapter 855, Oregon Laws 2009 (2009 House Bill 3225), and Chapter 8, Oregon Laws 2010 (2010 Senate Bill 1049), by establishing procedures for Supplemental Review of Measure 37 Claims. These rules also contain requirements for notice of applications and decisions regarding Measure 37 Permits, and clarify when a DLCD Measure 37 Waiver was required in addition to a waiver from a city or county. Finally, these rules also explain the effect of Measure 49 on DLCD Measure 37 Waivers.

(2) OAR 660-041-0010 applies to all Claims, Measure 37 Permits and DLCD Measure 37 Waivers that are subject to OAR 660-041-0020 to 660-041-0160, as well as to the Supplemental Review of Measure 37 Claims under OAR 660-041-0080 to 660-041-0160.

(3) OAR 660-041-0020 applies only to Claims that were received by DAS after December 4, 2006 and before December 6, 2007, and that are based on one or more DLCD Regulations and that are not described in section 3 of Chapter 855, Oregon Laws 2009.

(4) OAR 660-041-0030 applies to applications for and decisions on a Measure 37 Permit filed or made on or after February 20, 2007.

(5) OAR 660-041-0040 to 660-041-0070 apply to all DLCD Measure 37 Waivers.

(6) OAR 660-041-0080 to 660-041-0160 apply to the Supplemental Review of a Claim by DLCD.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424
Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f. 2-5-07, cert. ef. 2-9-07; LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 3-2009(Temp), f. & cert. ef. 8-18-09 thru 2-14-10; LCDD 2-2010, f. & cert. ef. 2-9-10; LCDD 4-2010(Temp), f. & cert. ef. 5-7-10 thru 10-1-10; LCDD 8-2010, f. & cert. ef. 8-9-10

660-041-0010

Definitions

The following definitions apply to OAR 660-041-0000 to 660-041-0160:

(1) "Agency" has the meaning provided by ORS 183.310.

(2) "Claim" means a written demand for compensation under ORS 197.352 (2005) that was filed before December 6, 2007.

(3) "Claimant" means a person who submitted a Claim.

(4) "DAS" means the Department of Administrative Services.

(5) "DLCD" means the Department of Land Conservation and Development.

(6) "DLCD Measure 37 Waiver" means a decision by LCDC or DLCD that was made before December 6, 2007 under ORS 197.352 (2005) to modify, remove or not apply one or more DLCD Regulations to allow a Claimant to use the Measure 37 Claim Property for a use that was permitted when the Claimant acquired the Measure 37 Claim Property.

(7) "DLCD Regulation" means a Land Use Regulation that is also a state statute codified in ORS chapter 92, 195, 197, 215 or 227, a Statewide

Planning Goal, or an LCDC rule. An "Existing DLCD Regulation" means a DLCD Regulation that was enacted by the State of Oregon or adopted by LCDC with an effective date prior to December 2, 2004. A "New DLCD Regulation" means a DLCD Regulation that was enacted by the State of Oregon or adopted by LCDC with an effective date of on or after December 2, 2004.

(8) "Elected" means signed and filed the form provided by DLCD.

(9) "Land Use Application" means an application for a "land use decision," a "limited land use decision," or an "expedited land division," as those terms are defined by ORS 197.015 and 197.360, or an application for a permit or zone change under ORS 227.160 to 227.187 or under 215.402 to 215.437.

(10) "Land Use Regulation" has the meaning provided by ORS 197.352(11) (2005).

(11) "LCDC" means the Land Conservation and Development Commission.

(12) "Measure 37 Claim Property" means the private real property described in a Measure 37 Claim.

(13) "Measure 37 Permit" means a final decision by a city, a county, or by Metro to authorize the development, division or other use of Measure 37 Claim Property pursuant to a Measure 37 Waiver. A Measure 37 Permit may be a land use decision, a limited land use decision, an expedited land use decision, a permit (as that term is defined in ORS 215.402 and 227.160), a zone change, or a comprehensive plan amendment. A Measure 37 Permit also includes a final decision by a city, a county, or by Metro that a person has a vested right to complete or continue a use based on a Measure 37 Waiver.

(14) "Measure 37 Waiver" means a decision by a city, a county, Metro or the State of Oregon that was made before December 6, 2007 under ORS 197.352 (2005) to modify, remove or not apply one or more Land Use Regulations to allow a Claimant to use the Measure 37 Claim Property for a use that was permitted when the Claimant acquired the Measure 37 Claim Property.

(15) "Measure 49" means Chapter 424, Oregon Laws 2007 as amended by Chapter 855, Oregon Laws 2009, and Chapter 8, Oregon Laws 2010.

(16) "Measure 49 Authorization" means a final order and authorization issued by the department under Measure 49 that authorizes a claimant to seek local approval of one or more home sites; or, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010, of a dwelling and, when applicable, a lot or parcel for that dwelling.

(17) "Supplemental Information" means information needed by DLCD, to proceed with the Supplemental Review of a Claim.

(18) "Supplemental Review" means review by DLCD of a Claim under either section 6 or section 7 of Measure 49 and when applicable, Chapter 855, Oregon Laws 2009 or Chapter 8, Oregon Laws 2010.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424
Hist.: LCDD 10-2006(Temp), f. 12-1-06, cert. ef. 12-4-06 thru 6-2-07; LCDD 1-2007, f. 2-5-07, cert. ef. 2-9-07; LCDD 2-2007(Temp), f. & cert. ef. 12-10-07 thru 6-7-08; LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 1-2009, f. & cert. ef. 4-2-09; LCDD 3-2009(Temp), f. & cert. ef. 8-18-09 thru 2-14-10; Administrative correction 3-22-10; LCDD 4-2010(Temp), f. & cert. ef. 5-7-10 thru 10-1-10; LCDD 8-2010, f. & cert. ef. 8-9-10

660-041-0080

Supplemental Information for Supplemental Review of Measure 37 Claims under Measure 49 and Fees under Chapter 855, Oregon Laws 2009 and Chapter 8, Oregon Laws 2010

(1) If the record for the Claim does not include the information needed for DLCD to proceed with the Supplemental Review of the Claim, DLCD will request Supplemental Information from a Claimant or the Claimant's authorized agent.

(2) If the Claim is described in sections 2 through 5a or Section 13 of Chapter 855, Oregon Laws 2009 a Claimant or Claimant's authorized agent must submit a \$175 fee to DLCD. DLCD will request the fee from a Claimant or the Claimant's authorized agent.

(3) If the Claim is described in section 5 or 6 of Chapter 8, Oregon Laws 2010, a Claimant or Claimant's authorized agent must submit a \$2,500 fee to DLCD. If the Claim is divided into more than one claim under OAR 660-041-0150, an additional \$2,500 fee is due for each resultant claim. If the Claim is combined with one or more other Claims, only one \$2,500 fee is due for the resultant claim.

(4) Supplemental Information, and a \$175 fee for a Claim described in sections 2 through 5a or section 13 of Chapter 855, Oregon Laws 2009, and a \$2,500 fee for a Claim described in section 5 or 6 of Chapter 8, Oregon Laws 2010 must be filed with DLCD within fifty-six (56) days of

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the date the request is sent, and must be filed in the manner described in OAR 660-041-0100.

(5) For good cause shown, DLCD may extend the period for filing Supplemental Information or a \$175 fee beyond fifty-six (56) days. DLCD will not extend the period for filing a \$2,500 fee or Supplemental Information for a Claim described in section 5 or 6 of Chapter 8, Oregon Laws 2010.

(6) If DLCD fails to issue a final order on a Claim described in sections 2 through 5a, or Section 13 of Chapter 855, Oregon Laws 2009 by December 31, 2010, DLCD shall refund any \$175 fee submitted for that Claim.

(7) If DLCD fails to issue a final order on a Claim described in section 5 or 6 of Chapter 8, Oregon Laws 2010 by June 30, 2011, DLCD shall refund any \$2,500 fee submitted for that Claim.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424
Hist.: LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 3-2009(Temp), f. & cert. ef. 8-18-09 thru 2-14-10; LCDD 2-2010, f. & cert. ef. 2-9-10; LCDD 4-2010(Temp), f. & cert. ef. 5-7-10 thru 10-1-10; LCDD 8-2010, f. & cert. ef. 8-9-10

660-041-0090

Procedures for Supplemental Review of Measure 37 Claims under Measure 49

(1) If a Claimant files an Election seeking relief under section 6 or section 7 of Measure 49 and, when applicable, Chapter 855, Oregon Laws 2009 and Chapter 8, Oregon Laws 2010, DLCD will review the Claim, as supplemented by the Election and the Supplemental Information, and prepare a Preliminary Evaluation of the relief that the Claimant may be entitled to. The Preliminary Evaluation will be based on and include an initial preliminary assessment of the number of lots, parcels and dwellings, if any, the Claimant lawfully was permitted to establish on the date the Claimant acquired the Measure 37 Claim Property.

(2) Prior to the issuance of the Preliminary Evaluation, DLCD will mail written notice of the Supplemental Review and a copy of any materials submitted by the Claimant to the county with land use jurisdiction over the Measure 37 Claim Property, and will provide that county an opportunity to submit written comment on the Supplemental Review. DLCD will consider all comments from the county in its preparation of the Preliminary Evaluation.

(3) DLCD will mail Notice of the Preliminary Evaluation to the Claimant, the Claimant's authorized agent, the county with land use jurisdiction over the Measure 37 Claim Property, and to any person who is an owner of record of real property located either within 250 feet of the Measure 37 Claim Property, if the Measure 37 Claim Property is not within a farm or forest zone, or within 750 feet of the Measure 37 Claim Property if it is located in a farm or forest zone, and to any neighborhood or community organization(s) whose boundaries include any portion of the Measure 37 Claim Property or that has made a written request for a copy of the Preliminary Evaluation.

(4) Any person may submit written comments, evidence or information in response to the Preliminary Evaluation as provided in OAR 660-041-0100 within twenty-eight (28) days of the date the Preliminary Evaluation is mailed under section (3) of this rule.

(5) DLCD will mail copies of any comments, evidence and information concerning the Preliminary Evaluation that are timely received under section (4) of this rule to the Claimant and the Claimant's authorized agent.

(6) The Claimant and the Claimant's authorized agent may file written comments, evidence or information in response to any materials filed by a third party or county. To be considered by DLCD, the response must be filed as provided in OAR 660-041-0100 within twenty-one (21) days after the date DLCD mailed the comments, evidence and information to the Claimant and the Claimant's authorized agent as provided under section (5) of this rule.

(7) Based on the record, DLCD will prepare a Final Decision on the Claim, which either will deny the authorization of home sites or a dwelling; or will approve a the specific number of home sites under section 6 or section 7 of Measure 49 or a dwelling, and lot or parcel when applicable, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010. If approved, the Final Decision will authorize the county with land use jurisdiction over the Measure 37 Claim Property to approve a permit to allow the number of home sites approved or the approved dwelling, and unless the property includes a vacant lot or parcel, a lot or parcel for the dwelling, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010.

(8) Following issuance of the Final Decision, the owner of the Measure 37 Claim Property may file an application with the county with

land use jurisdiction over the Measure 37 Claim Property for a permit to establish home sites authorized or to establish an authorized dwelling, and unless the property includes a vacant lot or parcel, a lot or parcel for the dwelling, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010.

(9) For good cause shown, DLCD may extend any time period under this rule.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424
Hist.: LCDD 2-2008(Temp), f. & cert. ef. 2-21-08 thru 6-10-08; LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 4-2010(Temp), f. & cert. ef. 5-7-10 thru 10-1-10; LCDD 8-2010, f. & cert. ef. 8-9-10

660-041-0110

Determining What Was Lawfully Permitted on the Claimant's Acquisition Date

(1) A Claimant lawfully was permitted to establish one or more lots, parcels or dwellings on the Claimant's acquisition date if DLCD determines that the characteristics of the Measure 37 Claim Property as it existed on that date, including the size, soil quality and location of the Measure 37 Claim Property, would have allowed the Claimant to satisfy the standards and criteria for approval of the lot, parcel or dwelling in effect on that date.

(2) Based on the Claimant's acquisition date, as determined under ORS 195.328, DLCD will apply the following standards and criteria to determine the number of lots, parcels or dwellings that were lawfully permitted; or, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010, to determine whether, in addition to the existing lots, parcels and dwellings contained within the Measure 37 Claim Property, a Claimant was lawfully permitted to establish one dwelling and, unless the property includes a vacant lot or parcel, a lot or parcel for the dwelling:

(a) If the Claimant's acquisition date is prior to January 25, 1975, DLCD will apply the applicable local land use regulations and comprehensive plan provisions, if any, along with any directly-applicable state statutes;

(b) If the Claimant's acquisition date is on or after January 25, 1975 but before the date the county with land use jurisdiction over the Measure 37 Claim Property had its applicable comprehensive plan and land use regulations acknowledged by LCDC for compliance with the Statewide Planning Goals, DLCD will apply the standards set forth in section 2 of Chapter 8, Oregon Laws 2010.

(c) If the Claimant's acquisition date is on or after the date the county with land use jurisdiction over the Measure 37 Claim Property had its applicable comprehensive plan and local land use regulations acknowledged by LCDC for compliance with the Statewide Planning Goals, DLCD will apply the applicable local land use regulations and comprehensive plan provisions along with any directly-applicable state statutes, Statewide Planning Goals, LCDC rules, or the standard set forth in section 4 of Chapter 8, Oregon Laws 2010.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424
Hist.: LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 1-2009, f. & cert. ef. 4-2-09; LCDD 4-2010(Temp), f. & cert. ef. 5-7-10 thru 10-1-10; LCDD 8-2010, f. & cert. ef. 8-9-10

660-041-0120

Evaluation of Measure 37 Contiguous Property in Supplemental Review

(1) For purposes of the Supplemental Review of a Claim, ownership of contiguous property will be determined and evaluated as of the date the Claimant Elected relief under section 6 or section 7 of Measure 49.

(2) Except for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010, in determining the relief to which a Claimant is entitled under section 6 or section 7 of Measure 49, the number of home site approvals a Claimant is entitled to will be reduced by the number of existing lots, parcels and dwellings contained within the entire property, which includes both the Measure 37 Claim Property and any contiguous property in the same ownership.

Stat. Auth.: ORS 197.040, 197.065 & 2007 OL Ch. 424
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424
Hist.: LCDD 4-2008, f. & cert. ef. 5-23-08; LCDD 4-2010(Temp), f. & cert. ef. 5-7-10 thru 10-1-10; LCDD 8-2010, f. & cert. ef. 8-9-10

660-041-0170

Notice of County Applications and Decisions Under Measure 49

(1) The county with land use jurisdiction over property for which a Measure 49 Authorization has been issued must provide written notice to DLCD of any land use application that seeks approval of one or more home

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sites or of a dwelling, and lot or parcel when applicable, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010 under the Measure 49 Authorization,; and of all final written decisions on home site approvals or on a dwelling, and lot or parcel when applicable, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010 that are based on a Measure 49 Authorization.

(2) Notice of an land use application for home site approval(s) or for a dwelling, and lot or parcel when applicable, for Claims described in section 5 or 6 of Chapter 8, Oregon Laws 2010 under a Measure 49 Authorization, required under section (1) of this rule, must be mailed to DLCD's Salem office at least ten (10) calendar days before any deadline for comment on the application. If there is no opportunity for comment, then the notice must be sent ten (10) days before the decision becomes final. The notice must include:

(a) A copy of any notice provided under ORS 197.195, 197.365, 197.615, 197.763, 227.175 or 215.416;

(b) The claim number of the Measure 49 Authorization issued by the State of Oregon; and

(c) The name of the present owner of the Measure 49 Claim Property.

Stat. Auth.: ORS 197.040 & 197.065

Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065, 197.353 & 2007 OL Ch. 424

Hist.: LCDD 1-2009, f. & cert. ef. 4-2-09; LCDD 4-2010(Temp), f. & cert. ef. 5-7-10 thru 10-1-10; LCDD 8-2010, f. & cert. ef. 8-9-10

660-041-0180

County Implementation of Measure 49 Authorizations

(1) The county with land use jurisdiction over the Measure 37 Claim Property must approve an application for a county permit submitted as provided in OAR 660-041-0090(8), based on current local standards, if the county finds that:

(a) the approval of the proposed lots, parcels or dwellings is not prohibited by one or more current local siting or development standard(s) that the county finds are reasonably necessary in order to avoid or abate a nuisance, to protect public health or safety, or to carry out federal law; and

(b) the owner has not received county permits for more than a total of 20 home site approvals statewide pursuant to Measure 49 Authorizations.

(2) If the Measure 37 Claim Property is zoned for farm, forest or mixed farm and forest use, the county must also determine and find:

(a) if the property is located on high-value farm or forest land, or on land within a ground water restricted area, as defined in these rules, each new lot or parcel does not exceed two acres; or

(b) if the property is not located on high-value farm or forest land, and is not on land within a groundwater restricted area, as defined in these rules, each new lot or parcel does not exceed five acres; and

(c) all new lots or parcels are located on the property in a manner that maximizes suitability of the remnant lot or parcel for farm or forest use.

(3) If the owner has received Measure 49 Authorizations for more than one Measure 37 Claim Property, and proposes to cluster some or all of the authorized lots, parcels or dwellings on one of the Measure 37 Claim Properties by transferring the right to develop one or more authorized home sites from one or more other Measure 37 Claim Properties the county must determine:

(a) if all affected properties are farm, forest, or mixed farm and forest zoned, the property on which the lots, parcels or dwellings are proposed to be clustered is less suitable than the other property or properties for farm or forest use;

(b) if one or more of the affected properties is zoned for rural residential use, the clustered lots, parcels or dwellings are located on a property zoned for rural residential use;

(c) that no home site approvals are transferred from a Measure 37 Claim Property that contains multiple dwellings on a single lot or parcel;

(d) that the number of lots, parcels or dwellings that may be established on the Measure 37 Claim property to which additional home site approvals are transferred is reduced by the number of existing lots, parcels and dwellings on that Measure 37 Claim Property and on contiguous property in the same ownership in accordance with Section 6(2) of Measure 49; and

(e) that following completion of the development based on the Measure 49 Authorizations, the net number of lots or parcels developed with dwellings on all the affected Measure 37 Claim Properties and contiguous properties in the same ownership will not exceed the number of home site approvals authorized for all affected properties.

(4) Prior to the final approval of clustered lots or parcels as provided in OAR 660-041-0180(3), the owner shall provide evidence that a Declaration of Use Restriction has been recorded with the county clerk of

every county where a Measure 37 Claim Property from which home site approvals have been transferred is located.

(a) As depicted in Examples A and B, the Declaration of Use Restriction shall:

(A) identify the Measure 37 Claim Property on which the lots, parcels or dwellings are approved to be clustered;

(B) identify all the Measure 37 Claim Properties from which home site approvals are transferred; preclude on each Measure 37 Claim Property from which one or more home site approvals are transferred all future rights to establish new lots, parcels or dwellings other than any lot, parcel or dwelling established pursuant to a home site approval the owner did not transfer from the property; and

(C) state that the Declaration of Use Restrictions is irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the affected property is located, which verifies that no lot, parcel or dwelling has been established pursuant to any home site approval that was approved for transfer and the approval of the transfer and clustering has been revoked or expired.

(b) The county planning director or assignee shall maintain a copy of the Declaration of Use Restrictions and a map or other record depicting the Measure 37 Claim Property subject to the Declaration of Use Restrictions, filed in the county deed records. The map or other record required by this subsection shall be available to the public in the county planning office.

Example A - Full Transfer

Declaration of Property Use Restriction

The undersigned _____ (Declarant) is the owner of the Measure 37 claim property described in Exhibits A (Final Order and Authorization in claim Exxxxxx) and B (Final Order and Authorization in claim Exxxxxx); and

The Declarant obtained authorizations under Measure 49, which authorized [X] lots or parcels developed with dwellings on the claim property described in Exhibit A, and [Y] lots or parcels developed with dwellings on the claim property described in Exhibit B; and

The Declarant proposes to cluster on the property described in Exhibit A, all of the [X+Y] lots or parcels developed with dwellings described in Exhibits A and B, in accordance with ORS 195.305 Section 11(4).

Because the lots or parcels developed with dwellings described in Exhibit B have been transferred to the property described in Exhibit A, recording this document establishes a restriction on the property described in Exhibit B prohibiting the establishment of any additional lots, parcels or dwellings on that property.

This restriction cannot be removed unless a statement of release is signed by an authorized representative of the county or counties where the property described in Exhibit A is located, which verifies that lots, parcels or dwellings authorized to be clustered have not been established and the approval of the clustering has been revoked or expired; or until a change in zoning or other land use regulations renders the restrictions imposed by current zoning moot; the legislature provides by statute that this restriction can be removed; or the authorizations granted through Exxxxxx and Exxxxxx are otherwise determined to be no longer applicable.

Dated this ___ day of ____, ____.

[signature and notary]

Example B - Partial Transfer

Declaration of Property Use Restriction

The undersigned _____ (Declarant) is the owner of the Measure 37 claim property described in Exhibits A (Final Order and Authorization in claim Exxxxxx) and B (Final Order and Authorization in claim Exxxxxx); and

The Declarant obtained authorizations under Measure 49, which authorized [X] lots or parcels developed with dwellings on the claim property described in Exhibit A, and [Y] lots or parcels developed with dwellings on the claim property described in Exhibit B; and

The Declarant proposes to cluster on the property described in Exhibit A, [X + M] of the [X+Y] lots or parcels developed with dwellings described in Exhibits A and B, in accordance with ORS 195.305 Section 11(4).

Because [M] of the [Y] lots or parcels developed with dwellings described in Exhibit B have been transferred to the property described in Exhibit A, [Y-M] lots or parcels developed with dwellings are authorized on the property described in Exhibit B. Recording this document, therefore, establishes a restriction on the property described in Exhibit B prohibiting the establishment of any lots, parcels or dwellings that would result in more than [Y-M] lots or parcels developed with dwellings on that property.

This restriction cannot be removed unless a statement of release is signed by an authorized representative of the county or counties where the property described in Exhibit A is located, which verifies that lots, parcels or dwellings authorized to be clustered have not been established and the approval of the clustering has been revoked or expired; or until a change in zoning or other land use regulations renders the restrictions imposed by current zoning moot; the legislature provides by statute that this restriction can be removed; or the authorizations granted through Exxxxxx and Exxxxxx are otherwise determined to be no longer applicable.

Dated this ___ day of ____, ____.

[signature and notary]

ADMINISTRATIVE RULES

New Claim Rules
(Ballot Measure 49)
Stat. Auth.: ORS 197.040 & 2010 OL Ch. 8
Stats. Implemented: ORS 195.300 - 195.336, 197.015, 197.040, 197.065 & 197.353. 2007
OL Ch. 855 & 2010 OL Ch. 8
Hist.: LCDD 8-2010, f. & cert. ef. 8-9-10

4-25-10; Administrative correction 5-19-10; LCB 4-2010, f. & cert. ef. 6-2-10; LCB 5-2010(Temp), f. & cert. ef. 7-20-10 thru 1-16-11

Landscape Contractors Board Chapter 808

Rule Caption: Repeals rule that allows an expired landscape contracting business license to be reinstated retroactively without taking into consideration all the licensing requirements.

Adm. Order No.: LCB 5-2010(Temp)

Filed with Sec. of State: 7-20-2010

Certified to be Effective: 7-20-10 thru 1-16-11

Notice Publication Date:

Rules Amended: 808-003-0130

Subject: 808-003-0130 - OAR 808-003-0130 is amended to conform with ORS 671.660. The Landscape Contractors Board current rules allow an expired landscape contracting business license to be reinstated retroactively if the bonding and liability insurance requirements have been continuously in place. This rule does not take into consideration the other licensing requirements and is not consistent with Oregon law. LCB proposes to adopt a temporary rule repealing the retroactive reinstatement to be consistent with Oregon law.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-003-0130

Fees

- (1) Initial license or renewal of active license:
 - (a) Landscape contracting business, \$260.
 - (b) Landscape construction professional, \$95.
- (2) Renewal of inactive license:
 - (a) Landscape contracting business, \$260.
 - (b) Landscape construction professional, \$95.
- (3) Late penalty fee:
 - (a) Landscape contracting business, \$35.
 - (b) Landscape construction professional, \$35.
- (4) Landscape Construction Professional License Application fee:

\$100.

- (5) Landscape Contracting Business License Application fee: \$150.
- (6) Probationary Landscape Construction Professional License Application: \$75.
- (7) Owner or Managing Employee Application fee: \$60.
- (8) Request from license holder for a license card: \$20.
- (9) Reinstatement of suspended license: \$30. The reinstatement date will be the date the agency updates the record.

(10) If a landscape construction professional license expires, the amount to be paid for reinstatement equals the required fee for each year of lapse (up to two years) plus a late penalty fee for each year. The reinstatement date will be the date the agency updates the record.

(11) If a Landscape contracting business license expires, the amount to be paid for reinstatement equals the required fee for each year of expiration (up to two years) plus a late penalty fee for each year. The reinstatement date will be the date the agency updates the record.

(12) Payments received after board deadlines, including, but not limited to payments for renewals, applications and civil penalties will be considered late and penalties shall be assessed.

(13) The board may waive the late fee if:

(a) The properly completed renewal form and correct fee are received by the agency prior to the expiration date and all other renewal requirements are met within one month after the expiration date; or

(b) The licensee's failure to meet the renewal date was caused entirely or in part by a board error or omission.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.595, 671.650 & 671.660

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1983(Temp), f. 10-14-83, ef. 10-15-83; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0035; LCB 3-1988(Temp), f. 4-11-88, cert. ef. 5-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88; LCB 1-1989(Temp), f. 5-16-89, cert. ef. 7-1-89; LCB 2-1989, f. 11-23-89, cert. ef. 7-24-89; LSCB 1-1995, f. & cert. ef. 2-2-95; LSCB 1-1997(Temp), f. & cert. ef. 6-10-97; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 3-2002, f. & cert. ef. 7-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 6-2003, f. & cert. ef. 10-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 5-2004, f. & cert. ef. 10-4-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 7-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 4-2009, f. 6-1-09 cert. ef. 7-1-09; LCB 9-2009(Temp), f. & cert. ef. 10-28-09 thru

Rule Caption: Allows licenses to change from expired to inactive.

Adm. Order No.: LCB 6-2010

Filed with Sec. of State: 8-12-2010

Certified to be Effective: 8-13-10

Notice Publication Date: 7-1-2010

Rules Amended: 808-003-0130, 808-003-0235, 808-003-0255

Subject: 808-003-0130 — Clarifies reinstatement can be to active or inactive.

808-003-0235 — Allows a license that expired less than two years prior to renew to inactive status.

808-003-0255 — Clarifies that to convert a landscape construction professional license from inactive to active a licensee must comply with the continuing education requirements.

Rules Coordinator: Kim Gladwill-Rowley—(503) 378-5909

808-003-0130

Fees

- (1) Initial license or renewal of active license:
 - (a) Landscape contracting business, \$260.
 - (b) Landscape construction professional, \$95.
- (2) Renewal of inactive license:
 - (a) Landscape contracting business, \$260.
 - (b) Landscape construction professional, \$95.
- (3) Late penalty fee:
 - (a) Landscape contracting business, \$35.
 - (b) Landscape construction professional, \$35.
- (4) Landscape Construction Professional License Application fee:

\$100.

- (5) Landscape Contracting Business License Application fee: \$150.
- (6) Probationary Landscape Construction Professional License Application: \$75.

(7) Owner or Managing Employee Application fee: \$60.

(8) Request from license holder for a license card: \$20.

(9) Reinstatement of suspended license: \$30.

(10) If a landscape construction professional license expires, the amount to be paid for reinstatement to active or inactive status equals the required fee for each year of lapse (up to two years) plus a late penalty fee for each year. The reinstatement date will be the date the agency updates the record.

(11) If a Landscape contracting business license expires, the amount to be paid for reinstatement to active or inactive status equals the required fee for each year of expiration (up to two years) plus a late penalty fee for each year. The reinstatement date will be the date the agency updates the record.

(12) If a Landscape contracting business license expires, and no bond, irrevocable letter of credit or deposit, or required liability insurance, has been in effect during the interim, the amount to be paid for reinstatement equals the required fee for each year of expiration (up to two years) plus a late penalty fee for each year. The reinstatement date will be the date the required fee and documentation are received in the board office.

(13) Payments received after board deadlines, including, but not limited to payments for renewals, applications and civil penalties will be considered late and penalties shall be assessed.

(14) The board may waive the late fee if:

(a) The properly completed renewal form and correct fee are received by the agency prior to the expiration date and all other renewal requirements are met within one month after the expiration date; or

(b) The licensee's failure to meet the renewal date was caused entirely or in part by a board error or omission.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.595, 671.650 & 671.660

Hist.: LC 3, f. & ef. 2-7-77; LC 1-1981, f. & ef. 10-8-81; LC 1-1983(Temp), f. 10-14-83, ef. 10-15-83; LC 1-1984, f. & ef. 7-17-84; LCB 1-1988, f. 1-26-88, cert. ef. 2-1-88; Renumbered from 808-010-0035; LCB 3-1988(Temp), f. 4-11-88, cert. ef. 5-1-88; LCB 4-1988, f. 11-23-88, cert. ef. 12-1-88; LCB 1-1989(Temp), f. 5-16-89, cert. ef. 7-1-89; LCB 2-1989, f. & cert. ef. 7-24-89; LSCB 1-1995, f. & cert. ef. 2-2-95; LSCB 1-1997(Temp), f. & cert. ef. 6-10-97; LSCB 2-1997, f. & cert. ef. 11-3-97; LCB 3-2002, f. & cert. ef. 7-1-02; LCB 1-2003, f. 1-31-03, cert. ef. 2-1-03; LCB 6-2003, f. & cert. ef. 10-1-03; LCB 1-2004, f. 1-27-04, cert. ef. 2-1-04; LCB 5-2004, f. & cert. ef. 10-4-04; LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 7-2007, f. 12-24-07, cert. ef. 1-1-08; LCB 3-2008, f. & cert. ef. 4-11-08; LCB 9-2008, f. 9-29-08, cert. ef. 10-1-08; LCB 10-2008, f. & cert. ef. 11-6-08; LCB 4-2009, f. 6-1-09 cert. ef. 7-1-09; LCB 9-2009(Temp), f. & cert. ef. 10-28-09 thru 4-25-10; Administrative correction 5-19-10; LCB 4-2010, f. & cert. ef. 6-2-10; LCB 5-2010(Temp), f. & cert. ef. 7-20-10 thru 1-16-11; LCB 6-2010, f. 8-12-10, cert. ef. 8-13-10

ADMINISTRATIVE RULES

808-003-0235

Inactive Status Generally

(1) A licensee may not convert a license to inactive status if the licensee is engaged in work as a landscape contracting business or is operating as a landscape construction professional;

(2) A licensee may not offer to undertake, advertise for, submit a bid to, obtain a permit for, or perform landscaping work while in inactive status;

(3) A licensee shall notify the board of any change of address while in inactive status. While the licensee is inactive, the board will send notices and communications to the licensee at the licensee's last known address of record.

(4) To convert to inactive status:

(a) A licensee must have a current active license or a license that expired less than two years prior to the request for inactive status;

(b) If the licensee was subject to discipline or probation by the board, the licensee must satisfy any conditions imposed by the board as a result of the discipline;

(c) The licensee must submit a request to convert to inactive status on forms provided by the board; and

(d) The licensee must comply with OAR 808-003-0240 or 808-003-0245.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.568 & 671.574

Hist.: LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 6-2010, f. 8-12-10, cert. ef. 8-13-10

808-003-0255

Converting from Inactive to Active Status

(1) To convert a landscape contracting business license from inactive status to active status, a licensee must:

(a) Submit a request to convert to active status on forms provided by the board;

(b) Submit a surety bond, irrevocable letter of credit or deposit as required by ORS 671.690;

(c) Submit proof of insurance as required by ORS 671.565(1)(e); and

(d) Comply with all other licensing requirements as prescribed by the board.

(2) To convert a landscape construction professional license from inactive status to active status, a licensee must:

(a) Submit a request to convert to active status on forms provided by the board;

(b) Comply with the continuing education requirements of OAR 808-040-0080; and

(c) Comply with all other licensing requirements as prescribed by the Board.

(3) If a licensee requests conversion from an inactive to active status at the time of renewal, the licensee must submit all fees required under OAR 812-003-0130.

(4) If a licensee requests conversion from inactive to active status other than at the time of renewal, the licensee must be current to date upon all fees due and owing under OAR 812-003-0130.

(5) If a license is converted from inactive to active status, the board shall establish the effective date of the license. The expiration date of the license will remain unchanged.

Stat. Auth.: ORS 670.310 & 671.670

Stats. Implemented: ORS 671.568 & 671.574

Hist.: LCB 6-2005, f. 12-30-05, cert. ef. 1-1-06; LCB 4-2007, f. 12-19-07, cert. ef. 1-1-08; LCB 6-2010, f. 8-12-10, cert. ef. 8-13-10

.....
Office of Private Health Partnerships
Chapter 442

Rule Caption: FHIAP is amending rules to comply with the 1115 Demonstration Waiver and HB 2116.

Adm. Order No.: OPHP 3-2010

Filed with Sec. of State: 7-22-2010

Certified to be Effective: 7-22-10

Notice Publication Date: 2-1-2010

Rules Amended: 442-005-0010, 442-005-0050, 442-005-0060, 442-005-0100

Subject: FHIAP is amending:

442-005-0010 to delete the Investment and Savings definition to streamline eligibility to make more affordable to more children, adults and families.

442-005-0050 to delete the Investment and Savings eligibility requirements and expand program income levels from 185% to 200% to make insurance more affordable to more children, adults and families.

442-005-0060 to change the period of uninsurance (POU) from six months to two months.

442-005-0100 to change subsidy to 100% for children.

Rules Coordinator: Margaret Moran—(503) 378-5664

442-005-0010

Definitions

(1) "Alien Status Requirement." A qualified non-citizen meets the alien status requirement for FHIAP if the individual is one of the following:

(a) A person who was admitted as a qualified non-citizen on or before August 22, 1996;

(b) A person who entered the U.S. on or after August 22, 1996 and it has been five years since he or she became a qualified non-citizen;

(c) A person who has obtained their qualified non-citizen status less than five years ago, but entered the U.S. prior to August 22, 1996. The non-citizen must show that he or she has been living in the U.S. continuously for five years from a date prior to August 22, 1996 to the date the non-citizen obtained their qualified status and did not leave during that five year period. If the non-citizen cannot establish the five-year continuous residence before he or she obtained their qualified status, the person is not considered to have entered the U.S. prior to August 22, 1996;

(d) Regardless when they were admitted, a person with one of the following designated statuses:

(A) A person who is admitted as a refugee under section 207 of the INA;

(B) A person who is granted asylum under section 208 of the INA;

(C) A person whose deportation is being withheld under section 243(h) of the INA;

(D) A Cuban or Haitian entrant who is either a public interest or humanitarian parolee;

(E) A person who was granted immigration status according to the Foreign Operations Export Financing and Related Program Appropriation Act of 1988;

(F) A person who is a victim of a severe form of trafficking.

(e) Regardless of when they were admitted, a qualified non-citizen who is:

(A) A veteran of the U.S. Armed Forces, who was honorably discharged not on account of alien status and who fulfills the minimum active-duty service requirement; or

(B) On active duty in the U.S. Armed Forces (other than active duty for training);

(C) The spouse or unmarried dependent child of the veteran or person on active duty described in (e)(A) and (B).

(f) An American Indian born in Canada to whom the provisions of section 289 of the Immigration and Nationality Act (8 U.S.C. 1359) apply; or

(g) A member of an Indian tribe (as described in section 4(e) of the Indian Self-Determination and Education Act (25 U.S.C. 450b(e));

(h) Any legal non-citizen who was approved for a FHIAP subsidy prior to November 1, 2004.

(2) "Appeal" means an applicant's request for an administrative review of a FHIAP employee's decision or action.

(3) "Applicant" means a person who has initially applied or a member who is applying for continuation of FHIAP subsidy payments, but who has not yet been determined to be eligible to receive such subsidy or continued subsidy. "Applicant" also includes dependents as defined in OAR 442-005-0010(8).

(4) "Benchmark" means an identified minimum level of health insurance benefits qualifying for subsidy eligibility. The benchmark is established by the Office in consultation with the Health Insurance Reform Advisory Committee and is submitted to and approved by the federal government.

(5) "Carrier" means an insurance company or health care service contractor holding a valid certificate of authority from the Director of the Department of Consumer and Business Services that authorizes the trans-

ADMINISTRATIVE RULES

action of health insurance. Carrier also includes the Oregon Medical Insurance Pool established under ORS 735.610.

(6) "Certified carrier" means a carrier that has been certified by the Office to participate in FHIAP. Certified carrier also includes the Oregon Medical Insurance Pool established under ORS 735.610.

(7) "Citizen" for the purposes of FHIAP means a native or naturalized member of the United States who can show proof of identity and citizenship as required in the Deficit Reduction Act (DRA) of 2005 (Pub. L. No. 109-171).

(8) "Dependent" means:

(a) An applicant's spouse;

(b) All of the applicant's and applicant's spouse's unmarried children, step children, legally adopted children or children placed under the legal guardianship of the applicant or applicant's spouse who are under the age of 23 and reside with the applicant, and all dependent children of a dependent child;

(c) An unborn child of any applicant or applicant's dependent as verified by written correspondence from a licensed medical practitioner; or

(d) An elderly relative or an adult disabled child, regardless of age, who lives in the home of the applicant, may be included as a dependent:

(A) For the purpose of FHIAP administration as it relates to ORS 414.841 dependent elderly relative means any person 55 and older.

(B) For the purpose of FHIAP administration as it relates to ORS 414.841 adult disabled child means:

(i) A child of the applicant or applicant's spouse who is unmarried, a step child, a legally adopted child, or a child placed under the legal guardianship of the applicant or applicant's spouse who is over the age of 18 and resides with the applicant; and

(ii) A child who is disabled with a physical or mental impairment that:

(I) Is likely to continue without substantial improvement for no less than 12 months or to result in death; and

(II) Prevents performance of substantially all the ordinary duties of occupations in which a person not having the physical or mental impairment is capable of engaging, having due regard to the training, experience and circumstances of the individual with the physical or mental impairment.

(e) Dependent does not include a separated spouse as determined by FHIAP.

(9) "Federal poverty level" means the United States Department of Health and Human Services poverty income guidelines. FHIAP will adopt guidelines no later than May 1 each year.

(10) "FHIAP" means the Family Health Insurance Assistance Program established by ORS 414.842.

(11) "Group" means insurance offered through an employer or an association.

(12) "Incarcerated" means a person living in a correctional facility, such as:

(a) Individuals who are legally confined to a correctional facility such as jail, prison, penitentiary, or juvenile detention center; or

(b) Individuals temporarily released from a correctional facility to perform court-imposed community service work; or

(c) Individuals on leave of less than 30 days from a correctional facility; or

(d) Individuals released from a correctional facility for the sole purpose of obtaining medical care.

(13) "Income" includes, but is not limited to, earned and unearned gross income received by adults and unearned income received by children. Income includes bartering, or working in exchange for goods and services, discounts on goods and services, working in exchange for rent, and payments made for personal living expenses from business funds:

(a) For purposes of determining average monthly income, an applicant may deduct child or spousal support payments made by the applicant for a child or spouse that FHIAP does not consider a dependent. No deduction is allowed for support that is owed but not paid and collected through an offset against the applicant's state income tax refund;

(b) Income does not include educational grants or scholarships.

(14) "Medicaid," see OHP.

(15) "Medicare" means coverage under either parts A or B of Title XVIII of the Social Security Act, 42 U.S.C. 1395 et. seq., as amended.

(16) "Member" means a person approved for FHIAP and enrolled in a health insurance plan using the subsidy, or a Homecare Union Benefits Board (HUBB) applicant enrolled in a health benefit plan and approved for, but not yet enrolled in FHIAP.

(17) "Misrepresentation" means making an inaccurate or deliberately false statement of material fact, by word, action, or omission.

(18) "OHP" means the Oregon Health Plan Medicaid program and all programs that include medical assistance provided under 42 U.S.C. section 396a (section 1902 of the Social Security Act).

(19) "Overpayment" means any subsidy payment made that exceeds the amount a member is eligible for, and has been received by, or on behalf of, that member, as well as any civil penalty assessed by the Office.

(20) "Qualified non-citizen" for the purposes of FHIAP. A person is a "qualified non-citizen" if he or she is any of the following:

(a) A non-citizen who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (8 U.S.C. 1101 et seq);

(b) A refugee who is admitted to the United States as a refugee under section 207 of the INA (8 U.S.C. 1157);

(c) A non-citizen who is granted asylum under section 208 of the INA (8 U.S.C. 1158);

(d) A non-citizen whose deportation is being withheld under section 243(h) of the INA (8 U.S.C. 1523(h)) (as in effect immediately before April 1, 1997) or section 241(b)(3) of the INA (8 U.S.C. 251(b)(3)) (as amended by section 305(a) of division C of the Omnibus Consolidated Appropriations Act of 1997, Pub. L. No. 104-208, 110 Stat. 3009-597 (1996));

(e) A non-citizen who is paroled into the United States under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) for a period of at least one year;

(f) A non-citizen who is granted conditional entry pursuant to section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7)) as in effect prior to April 1, 1980;

(g) A non-citizen who is a "Cuban and Haitian entrant" (as defined in section 501(3) of the Refugee Education Assistance Act of 1980);

(h) A battered spouse or dependent child who meets the requirements of 8 U.S.C. 1641(c) and is in the United States on a conditional resident status, as determined by the United States Immigration and Naturalization Service;

(i) American Indians born in Canada to whom the provision of section 289 of the INA (8 U.S.C. 1359) apply;

(j) Members of an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Act (25 U.S.C. 450b(e));

(k) A veteran of the U.S. Armed Forces who was honorably discharged for reasons other than alien status and who fulfilled the minimum active-duty requirements described in 38 U.S.C. § 5303A(d);

(l) A member of the U.S. Armed Forces on active duty (other than active duty for training);

(m) The spouse or dependent child of a person described in either (k) or (l) above;

(n) A legal non-citizen approved for FHIAP subsidy prior to November 1, 2004.

(21) "Redetermination" means the periodic review and determination of a member's continued eligibility or subsidy level.

(22) "Reservation list" means a waiting list of potential applicants for FHIAP.

(23) "Resident" means a citizen or qualified non-citizen who resides in Oregon or a full-time college student who is a citizen or qualified non-citizen with a parent who resides in Oregon.

(24) "Self-employment income" means gross receipts received from a business owned, in whole or in part, by a FHIAP applicant or dependent if the gross receipts are reported on an Internal Revenue Service (IRS) Schedule C or 1099. Self employed income also includes income received for providing adult foster care if the recipient of the care lives in the applicant's home. Self-employment does not include income received from a partnership, S-corporation, C-corporation, or adult foster care if the care is not provided in the caregiver's home. Self-employment does not include income received from a Limited Liability Company except in the following situations:

(a) If an applicant or their dependent have income from a Limited Liability Company and file an IRS schedule C for said income, that income will be treated as self-employment and subject to business deductions;

(b) If an applicant or their dependent have income from a Limited Liability Company and file an IRS schedule F or J for said income, that income will be treated as Farming, Fishing or Ranching and subject to business deductions.

(25) "Support" means any court-ordered monetary payment for a child or former spouse or domestic partner whom FHIAP does not count in the applicant's family.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 735.724, 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPH 2-2007, f. 6-18-07, cert. ef. 7-9-07; OPH 1-2010(Temp), f. & cert. ef. 1-7-10 thru 7-5-10; Administrative correction 7-27-10; OPH 3-2010, f. & cert. ef. 7-22-10

ADMINISTRATIVE RULES

442-005-0050

Eligibility

In order for an applicant to qualify for a FHIAP subsidy, applicants must:

- (1) Be a resident of Oregon or a full-time college student with a parent who is a resident of Oregon.
- (2) Be a United States citizen or a qualified non-citizen who meets the alien status requirement.
- (3) Not be eligible for or receiving Medicare benefits.
- (4) Have income of zero through 200% of the Federal Poverty Level in effect at the time of determination. Income determination is outlined in OAR 442-005-0070.
- (5) Meet one of the statutory definitions of family in ORS 414.841(3) at the time of eligibility determination. To be included in the family size for FHIAP eligibility determination, the applicant's family members must meet the definition of dependent under OAR 442-005-0010(8):
 - (a) A dependent may be counted in two separate households for the purposes of determining eligibility for FHIAP and any other state assistance program;
 - (b) A dependent may be counted in two separate households for the purpose of determining eligibility for both families in FHIAP;
 - (c) A dependent may not be enrolled in FHIAP and OHP (or any other state medical assistance program) at the same time;
 - (d) A dependent may be enrolled in FHIAP and any other state assistance program (except medical) at the same time;
 - (e) If a dependent is counted in two separate households for the purpose of determining eligibility in two different assistance programs, enrollment will be determined by criteria established in procedure.
- (6) Meet either a period of uninsurance requirement or exceptions listed in OAR 442-005-0060.
- (7) Not be incarcerated for more than 30 days or be a ward of the State.

(8) Provide necessary materials in order to allow for eligibility determination. If information submitted is inconsistent, the applicant may be denied.

(9) If applying for subsidy in the group market, must be able to enroll in a group insurance plan that meets the benchmark standard established by the Office within twelve months of eligibility determination. If an applicant to the group market does not have access to a group plan, the group plan they have access to does not meet the benchmark standard, or they cannot enroll into their group plan within twelve months of eligibility determination, the applicant will be denied and placed on the reservation list for an individual subsidy using the same date they were placed on the group reservation list.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; IPGB 3-2006(Temp), f. & cert. ef. 11-27-06 thru 5-25-07; Administrative Correction, 6-16-07; OPHP 1-2007, f. & cert. ef. 6-18-07; OPHP 1-2010(Temp), f. & cert. ef. 1-7-10 thru 7-5-10; Administrative correction 7-27-10; OPHP 3-2010, f. & cert. ef. 7-22-10

442-005-0060

Period of Uninsurance Requirement

In order for an applicant to be eligible for a FHIAP subsidy, an applicant must have been without any health insurance coverage for two months immediately prior to either the signature date on the application, the date of eligibility determination, or any reservation entry date. This requirement does not apply if any applicant:

- (1) Is currently enrolled in the OHP;
- (2) Was enrolled in the OHP within the last 120 days;
- (3) Is a former FHIAP member;
- (4) Has enrolled in an insurance plan while on the reservation list as long as they have met the six-month period of uninsurance immediately prior to enrolling in the insurance plan;
- (5) Has coverage through the Kaiser Child Health Program or any benefit plan authorized by ORS 735.700-735.714;
- (6) Has a military insurance plan;
- (7) Has enrolled in group coverage within the 120 days prior to getting on the FHIAP reservation list, as long as the applicant had been without any insurance coverage for six consecutive months immediately prior to becoming insured under the group plan;
- (8) Has recently become unemployed and lost health insurance coverage as a result; or
- (9) Has lost health insurance coverage while still employed. (e.g. reduction in hours, employer stops providing coverage, etc.)

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 1-2010(Temp), f. & cert. ef. 1-7-10 thru 7-5-10; Administrative correction 7-27-10; OPHP 3-2010, f. & cert. ef. 7-22-10

442-005-0100

Subsidy Levels

- (1) All FHIAP children (ages 0 through 18) are subsidized at 100% of the child's monthly premium.
- (2) When a family has average gross monthly income up to 125 percent of federal poverty level in effect at the time of determination, adults (ages 19 and up) will receive a subsidy of:
 - (a) 95 percent of the member's monthly premium amount in the individual health benefit plan market; or
 - (b) 95 percent of the member's share of the monthly premium amount in the group health benefit plan market.
- (3) When a family has average gross monthly income from 125 up to 150 percent of federal poverty level in effect at the time of determination, adults (ages 19 and up) will receive a subsidy of:
 - (a) 90 percent of the member's monthly premium amount in the individual health benefit plan market; or
 - (b) 90 percent of the member's share of the monthly premium amount in the group health benefit plan market.
- (4) When a family has average gross monthly income from 150 up to 170 percent of federal poverty level in effect at the time of determination, adults (ages 19 and up) will receive a subsidy of:
 - (a) 70 percent of the member's monthly premium amount in the individual health benefit plan market; or
 - (b) 70 percent of the member's share of the monthly premium amount in the group health benefit plan market.
- (5) When a family has average gross monthly income from 170 through 200 percent of federal poverty level in effect at the time of determination, adults (ages 19 and up) will receive a subsidy of:
 - (a) 50 percent of the member's monthly premium amount in the individual health benefit plan market; or
 - (b) 50 percent of the member's share of the monthly premium amount in the group health benefit plan market.
- (6) The subsidy amounts for adults (ages 19 and up) will never exceed 50 percent, 70 percent, 90 percent, or 95 percent of the total premium based on percentage of federal poverty level in effect at the time of eligibility determination.
- (7) With the exception of administrative error or audit, subsidy percentage levels will only be re-evaluated at reapplication. Subsidy dollar amounts may change, however, if the actual premium being subsidized changes.

Stat. Auth.: ORS 735.734 & 735.720 - 735.740

Stats. Implemented: ORS 735.720 - 735.740

Hist.: IPGB 2-2006, f. & cert. ef. 6-1-06; OPHP 1-2010(Temp), f. & cert. ef. 1-7-10 thru 7-5-10; Administrative correction 7-27-10; OPHP 3-2010, f. & cert. ef. 7-22-10

Oregon Board of Dentistry Chapter 818

Rule Caption: Adopts Oregon Board of Dentistry Administrative Rules regarding Health Professionals' Services Program.

Adm. Order No.: OBD 2-2010(Temp)

Filed with Sec. of State: 8-6-2010

Certified to be Effective: 8-6-10 thru 2-1-11

Notice Publication Date:

Rules Adopted: 818-013-0001, 818-013-0005, 818-013-0010, 818-013-0015, 818-013-0020, 818-013-0025, 818-013-0030, 818-013-0035

Subject: The Board of Dentistry is adopting OAR Division 13 Health Professionals' Services Program, as a result of the passage of HB 2345 by the Oregon Legislature, which became effective July 1, 2010.

Rules Coordinator: Sharon Ingram—(971) 673-3200

818-013-0001

Definitions

For the purpose of this section, the following definitions apply:

- (1) "Confidential" means that, to the highest degree possible, the identities of the licensees investigated for alleged addiction to, dependence upon, or abuse of alcohol, drugs, and mind altering substances, or mental health disorders, and who have a diagnosed substance abuse disorder or mental health disorder, will be kept confidential by the Board and not be a matter of public record.

ADMINISTRATIVE RULES

(2) "Diagnosis" means the principal mental health or substance use diagnosis listed in the DSM. The diagnosis is determined through the evaluation and any examinations, tests, or consultations suggested by the evaluation, and is the medically appropriate reason for services.

(3) "Direct Observe" means that a collection taker is in the restroom with donor and observes the providing of the sample throughout the entire process.

(4) "Diversion Coordinator" means the individual(s) authorized by the Board and the Executive Director to know the identities of the licensees who are candidates for or who are enrolled in HPSP.

(5) "Division" means the Oregon Department of Human Services, Addictions and Mental Health Division.

(6) "DSM" means the *Diagnostic and Statistical Manual of Mental Disorders*, published by the American Psychiatric Association.

(7) "Evaluation" means the process a Board approved, independent evaluator uses to diagnose the licensee's symptoms and to recommend treatment options for the licensee.

(8) "Health Professionals' Services Program" (HPSP) means the consolidated, statewide health professionals program for licensees diagnosed with a substance use disorder, a mental health disorder, or both types of disorders, as established by ORS 676.190.

(9) "Independent evaluator" means a Board approved individual or entity qualified to evaluate, diagnose, and recommend treatment regimens for substance abuse disorders, mental health disorders, or co-occurring disorders.

(10) "Mental health disorder" means a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress or disability or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom that is identified in the DSM. "Mental health disorder" includes gambling disorders.

(11) "Monitoring agreement" means an individualized agreement between a licensee and the HPSP vendor that meets the requirements for a diversion agreement set by ORS 676.190.

(12) "Monitoring Entity" means an independent third-party that monitors licensees' program enrollment statuses and monitoring agreement compliance.

(13) "Non-disciplinary" means the Board will not take disciplinary action or enter disciplinary orders against a licensee who agrees to enter into the HPSP and remains compliant with that program.

(14) "Non-identifying" means a system where the licensee is referred to by number rather than name and the licensee's identity remains confidential to the Board.

(15) "Program" means the process whereby allegations of addiction to, dependence upon, or abuse of alcohol, drugs, or mind altering substances or mental health disorders are investigated, evaluated, and reported to the Board for action.

(16) "Self-referred licensee" means a licensee who seeks to participate in the HPSP program without referral from the Board.

(17) "Substance Use Disorders" means disorders related to the taking of a drug of abuse including alcohol, to the side effects of a medication, and to a toxin exposure. The disorders include substance use disorders such as substance dependence and substance abuse, and substance-induced disorders, including substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorder, mood disorder, etc., as defined in DSM criteria.

(18) "Substantial non-compliance" means that a licensee is in violation of the terms of his or her monitoring agreement in a way that gives rise to concerns about the licensee's ability or willingness to participate in the program. Substantial non-compliance and non-compliance include, but are not limited to, the factors listed in ORS 676.190(1)(f). Conduct that occurred before a licensee entered into a monitoring agreement does not violate the terms of that monitoring agreement.

(19) "Successful completion" means the licensee has complied with the licensee's monitoring agreement to the satisfaction of the Board.

(20) "Toxicology testing" means urine testing or alternative chemical monitoring including, but not limited to blood, saliva, or breath as conducted by a laboratory certified, accredited or licensed and approved for toxicology testing.

(21) "Treatment" means the planned, specific, individualized health and behavioral-health procedures, activities, services and supports that a treatment provider uses to remediate symptoms of a substance use disorder, mental health disorder or both types of disorders.

(22) "Vendor" means the entity that has contracted with the Division to conduct the program.

(23) "Voluntary" means that the Board cannot compel a licensee to enter the HPSP.

Stat. Auth.: ORS 676.679 & 680

Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)

Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11

818-013-0005

Participation in Health Professionals' Services Program

(1) Effective July 1, 2010, the Board participates in the Health Professionals' Services Program (HPSP).

(a) The Board establishes procedures to process cases of licensees preparatory to transfer to HPSP.

(b) The procedures will be confidential, non-disciplinary, and voluntary.

(c) The Executive Director will have overall management responsibilities for the procedures. The Executive Director will designate Board staff to serve as Diversion Coordinator(s) who will manage and conduct investigations and report to the Board.

(d) The Diversion Coordinator(s) will investigate information related to addiction to, dependence upon, or abuse of alcohol, drugs, or mind altering substances or mental health disorders, by licensees and provide licensees with resources for evaluations, if appropriate.

(2) Only licensees of the Board who meet the referral criteria may be referred by the Board to the HPSP.

(a) The Board may refer a licensee to the HPSP in lieu of public discipline.

(b) In the event a licensee declines to submit to an evaluation or declines referral to HPSP, the Diversion Coordinator(s) will present the matter to the Board for decision and the Board's action may jeopardize the confidential nature of licensee's status as a candidate for, or enrollment in, HPSP.

(3) Licensees may self-refer to HPSP without Board approval as permitted by ORS 676.190(5).

Stat. Auth.: ORS 676.679 & 680

Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)

Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11

818-013-0010

Procedures for Board Referrals

(1) When the Board receives information involving a licensee who may have a substance related disorder, mental disorder, or both types of disorders, the Board staff will investigate and complete a non-identifying confidential report to be presented at a Board meeting.

(2) The Board will consider all relevant factors before determining whether to refer a licensee to the HPSP, including but not limited to licensee's disciplinary history; the severity and duration of the licensee's impairment; the extent to which licensee's practice can be limited or managed to eliminate danger to the public; and the likelihood that licensee's impairment can be managed with treatment.

(3) If a licensee meets referral criteria and the Board approves entry into the HPSP, the Board will provide a written referral to HPSP.

Stat. Auth.: ORS 676.679 & 680

Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)

Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11

818-013-0015

Referral of Licensees to the HPSP

(1) A Board referral to HPSP will include, at a minimum:

(a) Copies of documents from a Board approved independent evaluator which provide a diagnosis of a substance related disorder or a mental health disorder or both disorders, and provide treatment options;

(b) A written statement from the Board as to whether the licensee's impairment presents, or presented, a danger to the public;

(c) A written statement from the licensee agreeing to enter the HPSP in lieu of discipline and agreeing to abide by all of the terms and conditions established by the vendor;

(d) A written statement that the licensee has agreed to report any arrest for or conviction of a misdemeanor or felony crime to the Board within three (3) business days after the licensee is arrested or convicted; and

(e) A letter of instruction to the vendor detailing the additional agreement provisions required by the Board.

(2) For referral to HPSP, the licensee shall:

(a) Sign an Agreement to Enter the Health Professionals' Services Program.

(b) Provide written authorization allowing for the release of documents by the Board to the HPSP vendor, and permit the verbal exchange of information between the Board and the HPSP vendor.

ADMINISTRATIVE RULES

(c) Within one (1) business day of the effective date of the Agreement to Enter the Health Professionals' Services Program, licensee will make contact with the HPSP vendor to initiate procedures to enter HPSP.

Stat. Auth.: ORS 676, 679 & 680
Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)
Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11

818-013-0020

Additional Required Provisions

(1) Prior to referral to HPSP, the licensee shall agree, by written statement, to waive any privilege with respect to any physical, psychiatric, psychological, or substance use treatment, in favor of the Board; and to execute waivers or releases with any and all health care providers to permit exchange of information between the health care providers and the Board.

(2) Monitoring agreement will be for a minimum of five (5) years, or as determined by the Board.

(3) Urinalysis testing shall be directly observed.

(4) Licensee shall assure that at all times the Board has the most current information regarding licensee's address and telephone numbers for both residences and employments.

(5) Licensee will be responsible for all costs for treatment including, but not limited to, evaluations, residential treatment, after care regimens, group therapy programs, counseling, and toxicology testing. Failure to meet those financial obligations may constitute substantial non-compliance.

(6) As warranted, the Board shall add any additional agreement provisions and will convey those to the vendor by letter of instruction.

Stat. Auth.: ORS 676, 679 & 680
Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)
Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11

818-013-0025

Approval of Independent Evaluators

(1) To be approved by the Board as an independent evaluator, an evaluator must be:

(a) Licensed as required by the jurisdiction in which the evaluator works; and

(b) Able to provide a comprehensive assessment of and written report describing a licensee's diagnosis, degree of impairment, and treatment options.

(2) The Board will not accept an independent evaluator in a particular case if, in the Board's judgment, the evaluator's judgment is likely to be influenced by a personal or professional relationship with a licensee.

(3) The Board will maintain a list of approved independent evaluators on the Board's Web site at www.oregon.gov/Dentistry.

Stat. Auth.: ORS 676, 679 & 680
Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)
Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11

818-013-0030

Approval of Treatment Providers

(1) To be approved by the Board as a treatment provider, a provider must be:

(a) Licensed as required by the jurisdiction in which the provider works; and

(b) Able to provide appropriate treatment considering licensee's diagnosis, degree of impairment, and treatment options proposed by the independent evaluator.

(2) The Board will not accept a provider as a treatment provider in a particular case if, in the Board's judgment, the treatment provider's judgment is likely to be influenced by a personal or professional relationship with a licensee.

(3) The Board will maintain a list of approved treatment providers on the Board's Web site at www.oregon.gov/Dentistry.

Stat. Auth.: ORS 676, 679 & 680
Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)
Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11

818-013-0035

Non-Compliance Action

The Board, upon being notified of a licensee's substantial non-compliance, will investigate and determine the appropriate sanction which may include, but is not limited to, a limitation of licensee's practice and any other sanction, up to and including termination from HPSP and formal discipline. In the event the HPSP vendor or the monitoring entity reports a matter of non-compliance to the Diversion Coordinator(s), the matter, following an investigation, will be brought to the Board for decision and the Board's action may jeopardize the confidential nature of licensee's enrollment in HPSP.

Stat. Auth.: ORS 676, 679 & 680

Stats. Implemented: ORS 676.185, 676.190, 676.195, 676.200 & 676.140(e)
Hist.: OBD 2-2010(Temp), f. & cert. ef. 8-6-10 thru 2-1-11

Oregon Government Ethics Commission Chapter 199

Rule Caption: Adopts rules that provide guidelines to public officials.

Adm. Order No.: GEC 4-2010

Filed with Sec. of State: 8-4-2010

Certified to be Effective: 8-4-10

Notice Publication Date: 7-1-2010

Rules Amended: 199-001-0030, 199-005-0030

Subject: Adopts rules interpreting 2009 revisions to ORS Chapter 244. The rules address determining the source of gifts and house-keeping changes to address the agency name change.

Rules Coordinator: Virginia Lutz—(503) 378-5105

199-001-0030

Advisory Opinions

(1) The Oregon Government Ethics Commission may, upon the written request of any person, or upon its own motion, issue opinions on the requirements of ORS Chapter 244 and of ORS 171.725 to 171.785.

(2) The Oregon Government Ethics Commission will issue an Advisory Opinion based on real or hypothetical facts or circumstances but not upon actual events that have already occurred.

(3) The Oregon Government Ethics Commission shall issue an Advisory Opinion only after approval from a majority of Commissioners at a regular meeting of the Commission.

(4) An Advisory Opinion shall contain:

(a) A short and plain statement of the real or hypothetical facts or circumstances on which it is based;

(b) Relevant statutes;

(c) A short and plain statement of the question presented;

(d) A short and plain statement of the opinion of the Commission based on the real or hypothetical facts in answer to the question. The opinion of the Commission may cite relevant statutes of the State of Oregon, opinions of the Oregon appellate courts, opinions of the Attorney General of Oregon, and previous opinions of the Oregon Government Ethics Commission;

(e) A typed notice in uppercase letters not less than 10 point the following:

"THIS OPINION IS ISSUED BY THE OREGON GOVERNMENT ETHICS COMMISSION PURSUANT TO (INSERT ORS 171.776 OR 244.280). A PUBLIC OFFICIAL OR BUSINESS WITH WHICH A PUBLIC OFFICIAL IS ASSOCIATED SHALL NOT BE LIABLE UNDER (INSERT ORS CHAPTER 244 OR ORS 171.725 TO 171.785) FOR ANY ACTION OR TRANSACTION CARRIED OUT IN ACCORDANCE WITH THIS OPINION. THIS OPINION IS LIMITED TO THE FACTS SET FORTH HEREIN".

(5) All draft Advisory Opinions shall be reviewed and signed by the Commission's legal counsel before being submitted to the Commission for adoption.

(6) When issued, an Advisory Opinion shall be assigned a sequential number. Thereafter, the Opinion may be cited as "Oregon Government Ethics Commission Advisory Opinion No. _____".

(7) An Advisory Opinion of the Oregon Government Ethics Commission shall have precedential effect. A public official or business with which a public official is associated shall not be liable under ORS Chapter 244 or under 171.725 to 171.785 for any action or transaction carried out according to an Advisory Opinion of the Oregon Government Ethics Commission.

(8) In addition to an Advisory Opinion of the Oregon Government Ethics Commission, the Director may issue informal written opinions of the staff on actual or hypothetical facts or circumstances when requested by any person. The informal written opinion of the Director shall have no precedential effect and the Oregon Government Ethics Commission shall not be bound by any informal written opinion of the Director. The opinion of the Director shall be clearly labeled as such and that it is not issued under authority of the Commission, but is only the informal opinion of the Director. At the next regular meeting of the Commission, all informal written opinions of the Director shall be reported to the Commission and the Commission on its own motion may thereafter issue an Advisory Opinion of the Commission on the same facts or circumstances.

(9) The issuance of an advisory opinion by the Oregon Government Ethics Commission is at its discretion and the failure of the Commission to issue an Advisory Opinion shall have no precedential effect.

Stat. Auth.: ORS 244.290

ADMINISTRATIVE RULES

Stats. Implemented: ORS 244.280(3), 244.282 & 244.284
Hist.: EC 1-1993, f. & cert. ef. 4-22-93; GSPC 1-1999, f. 7-29-99, cert. ef. 8-1-99; GEC 4-2010, f. & cert. ef. 8-4-10

199-005-0030

Determining the Source of Gifts

(1) ORS 244.025 and 244.040(2)(e) limit the offering and receipt of gifts from sources that could reasonably be known to have a legislative or administrative interest in the vote or decision of the public official who holds any official position or office. This rule is intended to clarify how a public official determines who the source of the gift is. Public officials need to be aware of the source of any gifts they receive (or those that are received by their relatives or members of their household), regardless of amount, to make sure that they comply with the \$50 limit on gifts from a single source in a calendar year. To that end, public officials should not accept gifts in any amount without obtaining information from the person or entity offering the gift as to who is the source of the gift. It is the public official's personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest.

(2) The source of any gift provided to a public official is the ultimate payer(s) of the expense.

(3) The \$50 gift limit in ORS 244.025 applies separately to the public official or candidate, and to the public official or candidate's relatives or members of household. Each such individual may accept gifts from a single source of a total of \$50 per calendar year.

Stat. Auth.: ORS 244.290

Stats. Implemented: ORS 244.0025 & 244.040

Hist.: GEC 2-2008, f. & cert. ef. 3-7-08; GEC 4-2010, f. & cert. ef. 8-4-10

Oregon Health Licensing Agency Chapter 331

Rule Caption: Establishes purposes for affidavits of licensure as well as protocols for sending and receiving the affidavits.

Adm. Order No.: HLA 5-2010(Temp)

Filed with Sec. of State: 7-23-2010

Certified to be Effective: 7-26-10 thru 1-15-11

Notice Publication Date:

Rules Amended: 331-030-0040

Subject: The temporary rule defines the different types of licensure which is a document or other approved means of verifying an authorization to practice including status, history, and information disclosing all unresolved or outstanding penalties and/or disciplinary actions. The agency has identified two purposes for affidavits of licensure:

(1) Incoming — OHLA receives an affidavit that an individual holds an authorization from another regulatory authority. Method for receiving and verifying authenticity of affidavit is prescribed and approved by the agency.

(2) Outgoing — OHLA sends an affidavit that an individual holds an authorization from an OHLA-regulated profession to another regulatory authority or individual designated on the application. Sets requirements to process request including identification and authenticity methods.

Rules Coordinator: Samantha Patnode—(503) 373-1917

331-030-0040

Affidavit of Licensure

(1) "Affidavit of Licensure" means an original document or other approved means of verifying an authorization to practice (certification, licensure or registration) status and history, including information disclosing all unresolved or outstanding penalties and/or disciplinary actions. Affidavit of Licensure may be requested from other regulatory authorities or from the Oregon Health Licensing Agency.

(2) For the purpose of this rule regulatory authority means:

(a) An Oregon health professional regulatory board as defined in ORS 676.160

(b) A regulatory authority in Oregon or another state;

(c) A regulatory authority in another country or territory.

Outgoing Affidavit of Licensure.

(3) An applicant may request an affidavit of licensure be sent from the Oregon Health Licensing Agency for programs listed under ORS 676.606 to another regulatory authority or individual designated on the application. The following must be submitted to the agency:

(a) An application on a form prescribed by the agency;

(b) Two forms of identification listed in OAR 331-0300(8); at least one must be photographic; and

(c) Photocopies of identification listed in subsection (b) of this section if request is made through the mail must be submitted with the application.

(4) The agency may request an applicant present additional proof of identity if the required documents listed under subsection (3)(c) of this section do not establish the applicant's identity to the satisfaction of OHLA.

Incoming Affidavit of Licensure.

(5) An applicant applying for an authorization from a program listed under ORS 676.606 must arrange for the originating regulatory authority to forward directly to the agency a current and original "Affidavit of Licensure" document, signed by an authorized representative of the regulatory authority and affixed with an official seal or stamp to the document. The document is issued and signed by the regulatory authority which issued the authorization with an official seal or stamp affixed to the document; it is not the certificate, license or registration form issued which authorizes the holder to practice. The applicant is responsible for payment of any service fee the originating regulatory authority may assess for producing the affidavit.

(a) The agency may verify an applicant's authorization to practice through accessing the regulatory authority's Web site and using online licensing verification systems to validate information required to determine an applicant's qualifications and fitness to practice in a program administered under ORS 676.606. The agency will assess a charge for obtaining a verification of licensure from a regulatory authority by means of computer based data system.

(b) The document may be electronically transmitted to the agency from the regulatory authority. The applicant is responsible for payment of any service fee the originating regulatory authority may assess for producing the affidavit.

(c) An Affidavit of Licensure document hand delivered or mailed by the applicant and not mailed directly or transmitted through an approved means to the agency from the regulatory authority will invalidate qualification for certification, scheduling and examination.

NOTE: The Affidavit of Licensure may be referred to as a "Verification of Licensure", "License Verification", "Certification of Licensure" or "License Certification" by other regulatory authorities. Both terms have the same purpose in disclosing an applicant's licensing status and history.

Stat. Auth.: ORS 676.606, 676.612 & 676.615

Stats. Implemented: ORS 676.606, 676.612 & 676.615

Hist.: HLA 1-2009, f. & cert. ef. 6-1-09; HLA 5-2010(Temp), f. 7-23-10, cert. ef. 7-26-10 thru 1-15-11

Oregon Housing and Community Services Department Chapter 813

Rule Caption: Provides clarification on the program requirements, program administration and monitoring.

Adm. Order No.: OHCS 9-2010(Temp)

Filed with Sec. of State: 8-12-2010

Certified to be Effective: 8-12-10 thru 2-7-11

Notice Publication Date:

Rules Adopted: 813-230-0007

Rules Amended: 813-230-0000, 813-230-0005, 813-230-0015

Subject: 813-230-0000 — Clarifies the terminology used within the rules.

813-230-0005 — Provides clarification on the antipoverty programs and the eligible entities that will be used to administer the programs.

813-230-0007 — Sets out the selection criteria and requirements for eligible entities.

813-230-0015 — Stipulates that the program is subject to periodic monitoring by the Department and sets out the requirements.

Rules Coordinator: Sandy McDonnell—(503) 986-2012

813-230-0000

Definitions

(1) "Administrator" means the Community Services Division administrator of HCS.

(2) "CAAs" means public or private nonprofit Community Action Agencies as defined under U.S. Public Law 97-35, ORS 456.555 and Community Services Block Grant Administrative Rules.

(3) "Department" means the Oregon Housing and Community Services Department.

(4) "Director" means the Director of HCS.

ADMINISTRATIVE RULES

(5) "Division" means the Community Services Division located in agency (HCS).

(6) "Governor" means the Governor of the State of Oregon.

(7) "OHDC" means Oregon Human Development Corporation, a private, nonprofit agency which serves migrant workers and families.

Stat. Auth.: ORS 184.082 & 458.505 - 458.515

Stats. Implemented: ORS 458.505 - 458.515

Hist.: HR 3-1987, f. & ef. 12-30-87; HSG 8-1992, f. & cert. ef. 7-29-92; Renumbered from 410-110-0000; HSG 9-1993, f. & cert. ef. 10-1-93; Administrative correction 6-17-05; OHCS 9-2010(Temp), f. & cert. ef. 8-12-10 thru 2-7-11

813-230-0005

Administration of Community Action Agencies

(1) The Housing and Community Services Department is designed by the Governor as a state agency for administering state and federal antipoverty programs. The federal antipoverty programs are the Community Services Block Grant, the Low-Income Energy Assistance Block Grant, the United States Department of Energy Weatherization Assistance Program, the Emergency Shelter Grant Program and any other federally funded program that benefits low-income programs.

(2) The Community Services Division of the Department administers the federal anti-poverty programs through subcontracts with community action agencies, the Oregon Human Development Corporation and other eligible entities.

(3) The Community Action Partnership of Oregon performs the function of providing advice and recommendations to the Department regarding administration and funding of antipoverty programs.

Stat. Auth.: ORS 184.082 & 458.505-458.515

Stats. Implemented: ORS 458.505-458.515

Hist.: HR 3-1987, f. & ef. 12-30-87; HSG 8-1992, f. & cert. ef. 7-29-92; Renumbered from 410-110-0005; HSG 9-1993, f. & cert. ef. 10-1-93; Administrative correction 6-17-05; OHCS 9-2010(Temp), f. & cert. ef. 8-12-10 thru 2-7-11

813-230-0007

Initial Requirements

(1) A community action agency, the Oregon Human Development Corporation or any other eligible entity under ORS 458.505 may administer an antipoverty program to which ORS 458.505 or 458.510 applies only if the entity has entered a contract for that purpose with the Department, on terms established by the Department.

(2) In an area of the state served by a community action agency, unless the Department determines that the agency is incapable of effective program administration, the agency has the right of first refusal in a contract for antipoverty program administration.

(3) In an area of the state not served by a community action agency, the Department may distribute federal antipoverty funds other than the Community Service Block Grant to an agency that the Department has identified as able effectively to serve low income populations because of the agency's established service delivery system.

(4) For each program, allocation of program funds to service areas is subject to a formula established by the Department prior to the allocation process. The Department in its sole discretion may modify a formula at any time.

(5) The Department may fund only one agency in a service area unless the Department in its discretion decides to allow two agencies to operate within a common service area. The two agencies may so operate only if the Department and the two agencies enter into a memorandum of agreement that ensures full access to the program services for all eligible persons in the service area and prevents duplication of services.

(6) To provide a program service or activity in the service area of an agency, the agency may subcontract with a nonprofit corporation established under ORS chapter 65, a housing authority established under ORS 456.055 to 456.235 or a local government as defined in ORS 197.015.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 458.505 - 458.515

Hist.: OHCS 9-2010(Temp), f. & cert. ef. 8-12-10 thru 2-7-11

813-230-0015

Monitoring

(1) An agency that contracts with the Department under an antipoverty program subject to this Division is subject to periodic monitoring by the Department as stipulated by the funding source for the agency.

(2) For the purpose of this rule, monitoring of an agency includes but is not limited to the following:

(a) Specific monitoring requirements for the program in this Division;

(b) Inspection of client files, program records and reports, and fiscal records, including original receipts for expenditures;

(c) Review of compliance with contract provisions, and with state and federal regulations; and

(d) An interview at the beginning and at the end of the monitoring.

(3) The Department may notify an agency of problems found in the monitoring. If the Department determines that the recordkeeping is deficient or that the agency does not comply with contract provisions or with state or federal regulations, the Department may issue preliminary findings that:

(a) Provide specific examples of each deficiency and noncompliance;

(b) Request corrective action on each deficiency or noncompliance; and

(c) Offer assistance in developing a corrective action plan.

(4) An agency shall respond to a preliminary finding not later than the 30th day after the date on which the agency received the preliminary findings. The response must include a corrective action plan that addresses each identified deficiency and noncompliance or must explain why the preliminary findings were in error. The response is subject to reply by the Department as to whether the Department accepts or rejects the response in whole or in part. The agency may submit to the Department a corrective action plan for any remaining, unresolved deficiency or noncompliance not later than the 20th day after receipt of the Department's notification.

(5) If the Department determines that any unresolved deficiency or noncompliance remains after submission of a corrective plan under section (4) of this section, the Department may transmit to the agency a finding of facts that:

(a) Details the specific deficiencies and noncompliances and any required corrective actions; and

(b) Establishes a time period for corrective action to take place.

(6) At the end of the time period for corrective action under section (5) of this rule, if specific corrective actions have not been effected, the agency is subject to regulatory action by the Department, including the withholding of funds, disallowance of costs, suspension of contract or termination of contract.

Stat. Auth.: ORS 184.082 & 485.505-515

Stats. Implemented: ORS 458.505-515

Hist.: HR 3-1987, f. & ef. 12-30-87; HSG 8-1992, f. & cert. ef. 7-29-92; Renumbered from 410-110-0015; HSG 9-1993, f. & cert. ef. 10-1-93; OHCS 5-2004(Temp), f. & cert. ef. 12-17-04 thru 6-14-05; Administrative correction 6-17-05; OHCS 9-2010(Temp), f. & cert. ef. 8-12-10 thru 2-7-11

Oregon Medical Board Chapter 847

Rule Caption: Removes use of "California List" and other related language to approve international medical schools.

Adm. Order No.: BME 11-2010(Temp)

Filed with Sec. of State: 7-26-2010

Certified to be Effective: 7-26-10 thru 1-10-11

Notice Publication Date:

Rules Amended: 847-020-0130

Subject: The temporary rule removes the use of "California List" to approve international medical schools; adds language to determine acceptable accreditation of international medical schools which will clarify accredited medical school requirement for the licensure process for international medical graduates.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-020-0130

Basic Requirements for Licensure of an International Medical School Graduate

(1) The following requirements must be met in lieu of graduation from a school of medicine approved by the Liaison Committee on Medical Education of the American Medical Association or the Committee on the Accreditation of the Canadian Medical Schools of the Canadian Medical Association in order to qualify under ORS 677.100.

(2) The requirements for licensure of the international medical school graduate are as follows:

(a) Must speak English fluently and write English legibly.

(b) Must have graduated from an international school of medicine:

(A) The medical school must be chartered in the country in which it is located.

(B) The graduate must have attended at least four full terms of instruction of eight months each, with all courses having been completed by physical on-site attendance in the country in which the school is chartered. The requirement for four full terms of instruction of eight months each term may be waived for any applicant for licensure who has graduated from an international school of medicine, has substantially complied with the attendance requirements provided herein, and is certified by a specialty board

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recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association's Bureau of Osteopathic Specialists (AOA-BOS).

(C) Any institutions in which clinical clerkships were obtained in a country other than that in which the school is chartered must provide a certificate to prove the time spent and the satisfactory completion of the clerkships. After June 30, 1988, clinical clerkships served in the United States or Canada shall be taken only in institutions which conduct residencies approved by the Accreditation Council for Graduate Medical Education or the College of Family Physicians of Canada or the Royal College of Physicians and Surgeons of Canada or the American Osteopathic Association in the specific subject of the clerkship.

(D) The applicant must provide the Board with documentation to substantiate that the medical school from which the applicant graduated provided a resident course of professional instruction, was accredited by an accrediting organization acceptable to the Board, or was recognized by the appropriate civil authorities of the country in which the school is located as an acceptable education program. The Board may determine that the accreditation of an international medical school is not acceptable if the Board receives documentation that the medical school has had its authorization, accreditation, certification or approval denied or removed by any state, country or territorial jurisdiction or that its graduates were refused a license by any state, country or territorial jurisdiction on the grounds that the school failed or fails to meet reasonable standards for medical education facilities.

(c) Must have obtained the Standard Educational Commission for Foreign Medical Graduates Certificate issued by the Educational Commission for Foreign Medical Graduates. This requirement may be waived if accredited postgraduate training was completed in Canada, or prior to the enforcement of the ECFMG certification, or if the applicant has been certified by a specialty board recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association's Bureau of Osteopathic Specialists (AOA-BOS). In lieu of the ECFMG certificate, Fifth Pathway applicants shall show evidence of passing the examination pursuant to Oregon standards.

(d) Must have satisfactorily completed an approved internship and/or residency (or clinical fellowship) in the United States or Canada of not less than three years of progressive training in not more than two specialties in not more than two training programs accredited for internship, residency or fellowship training by the Accreditation Council for Graduate Medical Education or the College of Family Physicians of Canada or the Royal College of Physicians and Surgeons of Canada or the American Osteopathic Association.

(A) The following may be used in lieu of the three years of post graduate training:

(i) A valid certificate issued by a specialty board recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists (AOA-BOS); or

(ii) Successful completion of four years of practice in Oregon under a Limited License, Medical Faculty, in accordance with OAR 847-020-0140(1)(b)-(c), or

(iii) Successful completion of four years of practice in another state or the District of Columbia under a license substantially similar to the Board's Limited License, Medical Faculty.

(B) If the applicant is unable to satisfy the requirement in section (d) of this rule for postgraduate training, and the applicant has been granted a dispensation by a specialty board of the American Board of Medical Specialties (ABMS) or the American Osteopathic Association's Bureau of Osteopathic Specialists (AOA-BOS) whereby the ABMS or AOA-BOS specialty board has granted credit to the applicant for postgraduate training completed abroad toward fulfillment of the specialty board's requirements for admission to a future specialty board's certification examination, the Board may consider the ABMS or AOA-BOS specialty board's dispensation as fulfilling that same portion of the Board's requirement for postgraduate training.

(e) A graduate of a school of medicine approved by the Oregon Medical Board pursuant to OAR 847-031-0001, 847-031-0010, 847-031-0020, 847-031-0030 and 847-031-0040 must have satisfactorily completed not less than one year of approved training in the United States or Canada in not more than one hospital accredited for internship, residency or fellowship training by the Accreditation Council for Graduate Medical Education or the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada.

(f) Must pass a written licensure examination as provided in ORS 677.110 and OAR 847-020-0170.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist. BME 9-2001, f. & cert. ef. 7-24-01; BME 8-2002, f. & cert. ef. 7-17-02; BME 10-2004(Temp), f. & cert. ef. 4-22-04 thru 10-15-04; BME 15-2004, f. & cert. ef. 7-13-04; BME 8-2005, f. & cert. ef. 7-20-05; BME 4-2006(Temp), f. & cert. ef. 2-8-06 thru 7-7-06; BME 10-2006, f. & cert. ef. 5-8-06; BME 20-2007, f. & cert. ef. 10-24-07; BME 4-2009, f. & cert. ef. 1-22-09; BME 6-2010, f. & cert. ef. 4-26-10; BME 11-2010(Temp), f. & cert. ef. 7-26-10 thru 1-10-11

Rule Caption: Delete sunset date for EMT-I and EMT-P administration of seasonal and pandemic influenza vaccines.

Adm. Order No.: BME 12-2010

Filed with Sec. of State: 7-26-2010

Certified to be Effective: 7-26-10

Notice Publication Date: 6-1-2010

Rules Amended: 847-035-0030

Rules Repealed: 847-035-0030(T)

Subject: The rule amendment deletes the sunset date of June 30, 2010 from the rule on language related to providing seasonal and pandemic influenza vaccinations.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-035-0030

Scope of Practice

(1) The Oregon Medical Board has established a scope of practice for emergency and nonemergency care for First Responders and EMTs. First Responders and EMTs may provide emergency and nonemergency care in the course of providing prehospital care as an incident of the operation of ambulance and as incidents of other public or private safety duties, but is not limited to "emergency care" as defined in OAR 847-035-0001 (5).

(2) The scope of practice for First Responders and EMTs is not intended as statewide standing orders or protocols. The scope of practice is the maximum functions which may be assigned to a First Responder or EMT by a Board-approved supervising physician.

(3) Supervising physicians may not assign functions exceeding the scope of practice; however, they may limit the functions within the scope at their discretion.

(4) Standing orders for an individual EMT may be requested by the Board or Section and shall be furnished upon request.

(5) No EMT may function without assigned standing orders issued by Board-approved supervising physician.

(6) An Oregon-certified First Responder or EMT, acting through standing orders, shall respect the patient's wishes including life-sustaining treatments. Physician supervised First Responders and EMTs shall request and honor life-sustaining treatment orders executed by a physician, nurse practitioner or physician assistant if available. A patient with life-sustaining treatment orders always requires respect, comfort and hygienic care.

(7) A First Responder may perform the following procedures without having signed standing orders from a supervising physician:

(a) Conduct primary and secondary patient examinations;

(b) Take and record vital signs;

(c) Utilize noninvasive diagnostic devices in accordance with manufacturer's recommendation;

(d) Open and maintain an airway by positioning the patient's head;

(e) Provide external cardiopulmonary resuscitation and obstructed airway care for infants, children, and adults;

(f) Provide care for soft tissue injuries;

(g) Provide care for suspected fractures;

(h) Assist with prehospital childbirth; and

(i) Complete a clear and accurate prehospital emergency care report form on all patient contacts and provide a copy of that report to the senior EMT with the transporting ambulance.

(8) A First Responder may perform the following additional procedures only when the First Responder is part of an agency which has a Board-approved supervising physician who has issued written standing orders to that First Responder authorizing the following:

(a) Administration of medical oxygen;

(b) Maintain an open airway through the use of:

(A) A nasopharyngeal airway device;

(B) A noncuffed oropharyngeal airway device;

(C) A Pharyngeal suctioning device.

(c) Operate a bag mask ventilation device with reservoir;

(d) Provision of care for suspected medical emergencies, including administering liquid oral glucose for hypoglycemia; and

(e) Administer epinephrine by automatic injection device for anaphylaxis;

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(f) Perform cardiac defibrillation with an automatic or semi-automatic defibrillator, only when the First Responder:

- (A) Has successfully completed a Section-approved course of instruction in the use of the automatic or semi-automatic defibrillator; and
- (B) Complies with the periodic requalification requirements for automatic or semi-automatic defibrillator as established by the Section.

(9) An Oregon-certified EMT-Basic may perform the following procedures:

(a) Perform all procedures that an Oregon-certified First Responder can perform;

(b) Ventilate with a non-invasive positive pressure delivery device;

(c) Insert a cuffed pharyngeal airway device in the practice of airway maintenance. A cuffed pharyngeal airway device is:

(A) A single lumen airway device designed for blind insertion into the esophagus providing airway protection where the cuffed tube prevents gastric contents from entering the pharyngeal space; or

(B) A multi-lumen airway device designed to function either as the single lumen device when placed in the esophagus, or by insertion into the trachea where the distal cuff creates an endotracheal seal around the ventilatory tube preventing aspiration of gastric contents.

(d) Provide external cardiopulmonary resuscitation and obstructed airway care for infants, children, and adults;

(e) Provide care for suspected shock, including the use of the pneumatic anti-shock garment;

(f) Provide care for suspected medical emergencies, including:

(A) Obtaining a capillary blood specimen for blood glucose monitoring;

(B) Administer epinephrine by subcutaneous injection or automatic injection device for anaphylaxis;

(C) Administer activated charcoal for poisonings; and

(D) Administer aspirin for suspected myocardial infarction.

(g) Perform cardiac defibrillation with an automatic or semi-automatic defibrillator;

(h) Transport stable patients with saline locks, heparin locks, foley catheters, or in-dwelling vascular devices;

(i) Perform other emergency tasks as requested if under the direct visual supervision of a physician and then only under the order of that physician;

(j) Complete a clear and accurate prehospital emergency care report form on all patient contacts;

(k) Assist a patient with administration of sublingual nitroglycerine tablets or spray and with metered dose inhalers that have been previously prescribed by that patient's personal physician and that are in the possession of the patient at the time the EMT-Basic is summoned to assist that patient; and

(l) In the event of a release of military chemical warfare agents from the Umatilla Army Depot, the EMT-Basic who is a member or employee of an EMS agency serving the DOD-designated Immediate Response Zone who has completed a Section-approved training program may administer atropine sulfate and pralidoxime chloride from a Section-approved pre-loaded auto-injector device, and perform endotracheal intubation, using protocols promulgated by the Section and adopted by the supervising physician. 100% of EMT-Basic actions taken pursuant to this section shall be reported to the Section via a copy of the prehospital emergency care report and shall be reviewed for appropriateness by Section staff and the Subcommittee on EMT Certification, Education and Discipline.

(m) In the event of a release of organophosphate agents the EMT-Basic, who has completed Section-approved training, may administer atropine sulfate and pralidoxime chloride by autoinjector, using protocols approved by the Section and adopted by the supervising physician.

(10) An Oregon-certified EMT-Intermediate may perform the following procedures:

(a) Perform all procedures that an Oregon-certified EMT-Basic can perform;

(b) Initiate and maintain peripheral intravenous (I.V.) lines;

(c) Initiate and maintain an intraosseous infusion;

(d) Initiate saline or similar locks;

(e) Draw peripheral blood specimens;

(f) Administer the following medications under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician:

(A) Physiologic isotonic crystalloid solution.

(B) Vasoconstrictors:

(i) Epinephrine

(ii) Vasopressin;

(C) Antiarrhythmics:

(i) Atropine sulfate,

(ii) Lidocaine,

(iii) Amiodarone;

(D) Antidotes: Naloxone hydrochloride;

(E) Antihypoglycemics:

(i) Hypertonic glucose,

(ii) Glucagon;

(F) Vasodilators: Nitroglycerine;

(G) Nebulized bronchodilators:

(i) Albuterol,

(ii) Ipratropium bromide;

(H) Analgesics for acute pain:

(i) Morphine,

(ii) Nalbuphine Hydrochloride,

(iii) Ketorolac tromethamine,

(iv) Fentanyl;

(I) Antihistamine: Diphenhydramine;

(J) Diuretic: Furosemide;

(K) Intraosseous infusion anesthetic: Lidocaine;

(L) Anti-Emetic: Ondansetron;

(g) Administer immunizations in the event of an outbreak or epidemic as declared by the Governor of the state of Oregon, the State Public Health Officer or a county health officer, as part of an emergency immunization program, under the agency's supervising physician's standing order;

(h) Administer immunizations for seasonal and pandemic influenza vaccinations according to the CDC Advisory Committee on Immunization Practices (ACIP), and/or the Oregon State Public Health Officer's recommended immunization guidelines as directed by the agency's supervising physician's standing order.

(i) Distribute medications at the direction of the Oregon State Public Health Officer as a component of a mass distribution effort.

(j) Administer routine or emergency immunizations, as part of an EMS Agency's occupational health program, to the EMT's EMS agency personnel, under the supervising physician's standing order.

(k) Insert an orogastric tube;

(l) Maintain during transport any intravenous medication infusions or other procedures which were initiated in a medical facility, and if clear and understandable written and verbal instructions for such maintenance have been provided by the physician, nurse practitioner or physician assistant at the sending medical facility;

(m) Electrocardiographic rhythm interpretation;

(n) Perform cardiac defibrillation with a manual defibrillator.

(11) An Oregon-certified EMT-Paramedic may perform the following procedures:

(a) Perform all procedures that an Oregon-certified EMT-Intermediate can perform;

(b) Initiate the following airway management techniques:

(A) Endotracheal intubation;

(B) Tracheal suctioning techniques;

(C) Cricothyrotomy; and

(D) Transtracheal jet insufflation which may be used when no other mechanism is available for establishing an airway.

(c) Initiate a nasogastric tube;

(d) Provide advanced life support in the resuscitation of patients in cardiac arrest;

(e) Perform emergency cardioversion in the compromised patient;

(f) Attempt external transcutaneous pacing of bradycardia that is causing hemodynamic compromise;

(g) Electrocardiographic interpretation.

(h) Initiate needle thoracocentesis for tension pneumothorax in a pre-hospital setting;

(i) Initiate placement of a femoral intravenous line when a peripheral line cannot be placed;

(j) Initiate placement of a urinary catheter for trauma patients in a pre-hospital setting who have received diuretics and where the transport time is greater than thirty minutes; and

(k) Initiate or administer any medications or blood products under specific written protocols authorized by the supervising physician, or direct orders from a licensed physician.

(12) The Board has delegated to the Section the following responsibilities for ensuring that these rules are adhered to:

(a) Designing the supervising physician and agent application;

(b) Approving a supervising physician or agent; and

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(c) Investigating and disciplining any EMT or First Responder who violates their scope of practice.

(d) The Section shall provide copies of any supervising physician or agent applications and any EMT or First Responder disciplinary action reports to the Board upon their request.

(13) The Section shall immediately notify the Board when questions arise regarding the qualifications or responsibilities of the supervising physician or agent of the supervising physician.

Stat. Auth.: ORS 682.245

Stats. Implemented: ORS 682.245

Hist.: ME 2-1983, f. & ef. 7-21-83; ME 3-1984, f. & ef. 1-20-84; ME 12-1984, f. & ef. 8-2-84; ME 7-1985, f. & ef. 8-5-85; ME 12-1987, f. & ef. 4-28-87; ME 27-1987(Temp), f. & ef. 11-5-87; ME 5-1988, f. & cert. ef. 1-29-88; ME 12-1988, f. & cert. ef. 8-5-88; ME 15-1988, f. & cert. ef. 10-20-88; ME 2-1989, f. & cert. ef. 1-25-89; ME 15-1989, f. & cert. ef. 9-5-89, & corrected 9-22-89; ME 6-1991, f. & cert. ef. 7-24-91; ME 10-1993, f. & cert. ef. 7-27-93; ME 3-1995, f. & cert. ef. 2-1-95; ME 1-1996, f. & cert. ef. 2-15-96; ME 3-1996, f. & cert. ef. 7-25-96; BME 6-1998, f. & cert. ef. 4-27-98; BME 13-1998(Temp), f. & cert. ef. 8-6-98 thru 2-2-99; BME 14-1998, f. & cert. ef. 10-26-98; BME 16-1998, f. & cert. ef. 11-24-98; BME 13-1999, f. & cert. ef. 7-23-99; BME 14-2000, f. & cert. ef. 10-30-00; BME 11-2001, f. & cert. ef. 10-30-01; BME 9-2002, f. & cert. ef. 7-17-02; BME 10-2002, f. & cert. ef. 7-22-02; BME 1-2003, f. & cert. ef. 1-27-03; BME 12-2003, f. & cert. ef. 7-15-03; BME 4-2004, f. & cert. ef. 1-27-04; BME 11-2004(Temp), f. & cert. ef. 4-22-04 thru 10-15-04; BME 12-2004(Temp), f. & cert. ef. 6-11-04 thru 12-8-04; BME 21-2004(Temp), f. & cert. ef. 11-15-04 thru 4-15-05; BME 2-2005, f. & cert. ef. 1-27-05; BME 5-2005, f. & cert. ef. 4-21-05; BME 9-2005, f. & cert. ef. 7-20-05; BME 18-2006, f. & cert. ef. 7-25-06; BME 22-2006, f. & cert. ef. 10-23-06; BME 7-2007, f. & cert. ef. 1-24-07; BME 11-2007, f. & cert. ef. 4-26-07; BME 24-2007, f. & cert. ef. 10-24-07; BME 11-2008, f. & cert. ef. 4-24-08; BME 19-2008, f. & cert. ef. 7-21-08; BME 10-2009, f. & cert. ef. 5-1-09; BME 13-2009, f. & cert. ef. 7-20-09; BME 18-2009, f. & cert. ef. 10-23-09; BME 22-2009(Temp), f. & cert. ef. 10-23-09 thru 4-15-10; BME 5-2010, f. & cert. ef. 1-26-10; BME 8-2010(Temp), f. & cert. ef. 4-26-10 thru 10-15-10; BME 12-2010, f. & cert. ef. 7-26-10

Rule Caption: Physician Assistants do not require supervising physician prior to licensure for Military/Public Health practice.

Adm. Order No.: BME 13-2010(Temp)

Filed with Sec. of State: 7-26-2010

Certified to be Effective: 7-26-10 thru 1-10-11

Notice Publication Date:

Rules Amended: 847-050-0015

Subject: The temporary rule allows physician assistants in Military/Public Health practice to be licensed without a supervising physician.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-050-0015

Application

To be licensed by the Board a physician assistant must have a supervising physician. The supervising physician must be actively licensed in Oregon and in good standing with the Board:

(1) Each application for the licensure of a physician assistant must be signed by the physician assistant and include the following information:

(a) Specific detailed information relating to the type of supervision to be provided by the supervising physician is to be set forth in the practice description submitted for the applicant by the physician who shall supervise. The practice description must be signed by the supervising physician. All such practice descriptions are subject to Board approval;

(b) The specialty, type of degree, professional address, and type of practice of the supervising physician;

(c) All information required by ORS 677.510(1);

(d) The applicant must provide the Board with sufficient evidence of good moral character.

(2) No applicant shall be entitled to licensure who:

(a) Has failed an examination for licensure in the State of Oregon;

(b) Has had his license or certificate revoked or suspended in this or any other state unless the said license or certificate has been restored or reinstated and the applicant's license or certificate is in good standing in the state which had revoked the same;

(c) Has been refused a license or certificate in any other state on any grounds other than failure in a medical licensure examination; or

(d) Has been guilty of conduct similar to that which would be prohibited by or to which ORS 677.190 would apply.

(3) A person applying for licensure under these rules who has not completed the licensure process within a 12 month consecutive period from date of receipt of the application shall file a new application, documents, letters and pay a full filing fee as if filing for the first time.

(4) An applicant requesting to be licensed at Military/Public Health Active status is not required to have a supervising physician prior to licensure. Prior to practicing in Oregon, licensees at Military/Public Health

Active status must apply for the reactivation of their license to active status and obtain an Oregon licensed supervising physician.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist.: ME 23(Temp), f. & ef. 10-12-71; ME 25, f. 1-20-72, ef. 2-1-72; ME 1-1979, f. & ef. 1-29-79; ME 5-1979, f. & ef. 11-30-79; ME 4-1980(Temp), f. 8-5-80, ef. 8-6-80; ME 7-1980, f. & ef. 11-3-80; ME 4-1981(Temp), f. & ef. 10-20-81; ME 2-1982, f. & ef. 1-28-82; ME 2-1990, f. & cert. ef. 1-29-90; ME 10-1992, f. & cert. ef. 7-17-92; BME 4-2002, f. & cert. ef. 4-23-02; BME 13-2010(Temp), f. & cert. ef. 7-26-10 thru 1-10-11

Rule Caption: National certification exam attempt limit waiver for NCCPA certification for PA and adds emeritus status.

Adm. Order No.: BME 14-2010

Filed with Sec. of State: 7-26-2010

Certified to be Effective: 7-26-10

Notice Publication Date: 6-1-2010

Rules Amended: 847-050-0020, 847-050-0029

Rules Repealed: 847-050-0020(T)

Subject: OAR 847-050-0020 rule amendment allows waiver of requirement for physician assistants to pass NCCPA certification within 4 attempts if currently certified by the NCCPA; and OAR 847-050-0029 adds emeritus status for physician assistants.

Rules Coordinator: Malar Ratnathicam—(971) 673-2713

847-050-0020

Qualifications

On or after January 25, 2008, an applicant for licensure as a physician assistant in this state, must possess the following qualifications:

(1) Have successfully completed a course in physician assistant training which is approved by the American Medical Association Committee on Allied Health Education and Accreditation (C.A.H.E.A.), the Commission on Accreditation for Allied Health Education Programs (C.A.A.H.E.P.), or the Accreditation Review Commission on Education for the Physician Assistant (A.R.C.P.A.).

(2) Have passed the Physician Assistant National Certifying Examination (PANCE) given by the National Commission on Certification of Physician Assistants (N.C.C.P.A.).

(a) The applicant may take the PANCE once in a 90-day period or three times per calendar year, whichever is fewer.

(A) The applicant has no more than four attempts in six years to pass the PANCE. If the applicant does not pass the PANCE within four attempts, the applicant is not eligible for licensure.

(B) An applicant who has passed the NCCPA certification exam, but not within the four attempts required by this rule, may request a waiver of this requirement if he/she has current certification by the NCCPA.

(b) Those who have met the requirements of section (1) of this rule may make application for a Limited License, Postgraduate before passing the PANCE examination with the stipulation that if the examination is not passed within one year from the date of application, the Board shall withdraw its approval.

(3) Applicants that apply for prescription privileges must meet the requirements specified in OAR 847-050-0041.

Stat. Auth.: ORS 677.265

Stats. Implemented: ORS 677.265

Hist.: ME 23(Temp), f. & ef. 10-12-71; ME 25, f. 1-20-72, ef. 2-1-72; ME 1-1979, f. & ef. 1-29-79; ME 5-1979, f. & ef. 11-30-79; ME 4-1980(Temp), f. 8-5-80, ef. 8-6-80; ME 7-1980, f. & ef. 11-3-80; ME 4-1981(Temp), f. & ef. 10-20-81; ME 2-1982, f. & ef. 1-28-82; ME 10-1984, f. & ef. 7-20-84; ME 5-1986, f. & ef. 4-23-86; ME 2-1990, f. & cert. ef. 1-29-90; ME 10-1992, f. & cert. ef. 7-17-92; ME 5-1993, f. & cert. ef. 4-22-93; ME 17-1994, f. & cert. ef. 10-25-94; BME 1-1998, f. & cert. ef. 1-30-98; BME 2-2000, f. & cert. ef. 2-7-00; BME 1-2001, f. & cert. ef. 1-25-01; BME 6-2003, f. & cert. ef. 1-27-03; BME 6-2008, f. & cert. ef. 1-22-08; BME 10-2010(Temp), f. & cert. ef. 4-26-10 thru 10-15-10; BME 14-2010, f. & cert. ef. 7-26-10

847-050-0029

Locum Tenens

Locum tenens means a temporary absence by the physician assistant or physician is filled by a substitute physician assistant or physician. The following is required of an applicant for locum tenens:

(1) A minimum of two weeks prior to the intended locum tenens, the supervising physician of the practice which desires the substitute must submit a letter of request to the Board.

(2) The request must include the name of the substitute physician assistant or physician, duration of the locum tenens, a description of how supervision of the physician assistant will be maintained, and any changes in the approved practice description for the practice during the locum tenens. Approval must be obtained in advance from the Executive Director of the Oregon Medical Board.

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(3) The physician assistant or physician must be currently licensed in Oregon, with active, [or] locum tenens, or emeritus registration status, and be in good standing with the Board.

(4) The physician assistant must be qualified to provide the same type of service as described in the current approved practice description for the locum tenens.

(5) The physician must be as qualified as the physician who is being replaced during the locum tenens.

(6) The Board Executive Director may give temporary approval which is subject to approval by the Oregon Medical Board.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.265 & 677.510
Hist.: ME 1-1986, f. & ef. 1-21-86; ME 2-1990, f. & cert. ef. 1-29-90; ME 7-1990, f. & cert. ef. 4-25-90; BME 6-2003, f. & cert. ef. 1-27-03; BME 11-2005, f. & cert. ef. 10-12-05; BME 14-2010, f. & cert. ef. 7-26-10

Rule Caption: House Bill 2345 (2009) establishment of Health Professionals Services Program (HPSP).

Adm. Order No.: BME 15-2010(Temp)

Filed with Sec. of State: 8-3-2010

Certified to be Effective: 8-3-10 thru 1-18-11

Notice Publication Date:

Rules Adopted: 847-065-0010, 847-065-0015, 847-065-0020, 847-065-0025, 847-065-0030, 847-065-0035, 847-065-0040, 847-065-0045, 847-065-0050, 847-065-0055, 847-065-0060, 847-065-0065

Rules Suspended: 847-065-0000

Subject: The temporary rule allows the establishment of a Health Professionals Services Program (HPSP) per House Bill 2345 (2009) to provide diagnosis and treatment options to impaired health professionals, effective July 1, 2010.

Rules Coordinator: Malar Ratnathicam — (971) 673-2713

847-065-0000

Health Professionals Program Supervisory Council

(1) There is established a Health Professionals Program Supervisory Council (Council) consisting of seven members, one of whom is a public member, appointed by the Oregon Medical Board (Board) for the purpose of developing and implementing a diversion program for chemically dependent licensees regulated under ORS 677.615–677.665. No current Board members or staff shall serve on the Council.

(2) The term of office of each member is two years, but a member serves at the pleasure of the board. Before the expiration of the term of a member, the Board shall appoint a successor whose term begins July 1. A member is eligible for reappointment to serve not more than three terms. If there is a vacancy for any cause, the Board shall make an appointment to become immediately effective for the unexpired term.

(3) The members of the Council must be citizens of this state who are familiar with the recognition, intervention, assessment and treatment of chemically dependent persons. The public member shall represent health consumers.

(4) A member of the Council is entitled to compensation and expenses as provided in ORS 292.495, except that the compensation for the time spent in performance of official duties shall be the same as the compensation received by members of the Board.

(5) The Council shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the Council determines.

(6) A majority of the members of the Council constitutes a quorum for the transaction of business.

Stat. Auth.: ORS 677.265
Stats. Implemented: ORS 677.615
Hist.: BME 17-2006, f. & cert. ef. 7-25-06; BME 26-2008, f. & cert. ef. 10-31-08; BME 11-2009, f. & cert. ef. 5-1-09; Suspended by BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0010

Purpose, Intent and Scope

The Oregon Medical Board recognizes that substance use disorders, mental health disorders, or both disorders are primary, progressive, chronic diseases. The Board believes that physicians, podiatric physicians, physician assistants and acupuncturists who develop these diseases can, with appropriate treatment, be assisted with recovery and return to the practice of medicine and acupuncture. It is the intent of the Board that a licensee with a substance use disorder, a mental health disorder or both types of dis-

orders may have the opportunity to enter the Health Professionals Services Program (HPSP). Participation in the Health Professionals Services Program does not shield a licensee from possible disciplinary action.

Stat. Auth.: ORS 676.185-200 & 677.265
Stats. Implemented: ORS 677.185 & 677.265
Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0015

Definitions

The following definitions apply to OAR chapter 847, division 065, except as otherwise stated in the definition:

(1) “Assessment or evaluation” means the process an independent third-party evaluator uses to diagnose the licensee and to recommend treatment options for the licensee.

(2) “Board” means the Oregon Medical Board.

(3) “Business day” means Monday through Friday, except legal holidays as defined in ORS 187.010 (or ORS 187.020).

(4) “Diagnosis” means the principal mental health or substance use diagnosis listed in the Diagnostic Statistical Manual (DSM). The diagnosis is determined through the assessment and any examinations, tests or consultations suggested by the assessment and is the medically appropriate reason for services.

(5) “Division” means the Department of Human Services, Addictions and Mental Health Division.

(6) “DSM” means the Diagnostic and Statistical Manual of Mental Disorders, commonly referred to as DSM-IV-TR, published by the American Psychiatric Association.

(7) “Federal regulations” means:

(a) As used in ORS 676.190(1)(f)(D), a “positive toxicology test result as determined by federal regulations pertaining to drug testing” means test results meet or exceed the cutoff concentrations shown in 49 CFR § 40.87 (2009) must be reported as substantial non-compliance, but positive toxicology results for other drugs and for alcohol may also constitute and may be reported as substantial non-compliance.

(b) As used in ORS 676.190(4)(i), requiring a “licensee to submit to random drug or alcohol testing in accordance with federal regulations” means licensees are selected for random testing by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with licensees’ unique identification numbers or other comparable identifying numbers. Under the selection process used, each covered licensee shall have an equal chance of being tested each time selections are made, as described in 40 CFR § 199.105(c)(5) (2009). Random drug tests must be unannounced and the dates for administering random tests must be spread reasonably throughout the calendar year, as described in 40 CFR § 199.105(c)(7) (2009).

(8) “Fitness to practice evaluation” means the process a qualified, independent third-party evaluator uses to determine if the licensee can safely perform the essential functions of the licensee’s health practice.

(9) “Final enrollment” means a self-referred licensee has provided all documentation required by OAR 847-065-0035 and has met all eligibility requirements to participate in the HPSP.

(10) “Independent third-party evaluator” means an individual or center who is approved by a licensee’s Board to evaluate, diagnose, and offer treatment options for substance use disorders, mental health disorders or co-occurring disorders.

(11) “Individual service record” means the official permanent HPSP documentation, written or electronic, for each licensee, which contains all information required by these rules and maintained by the HPSP to demonstrate compliance with these rules.

(12) “Licensee” means a licensed physician, podiatric physician, physician assistant or acupuncturist who is licensed or certified by the Oregon Medical Board.

(13) “Mental health disorder” means a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress or disability or with a significantly increased risk of suffering death, pain, disability, or an important loss of freedom that is identified in the DSM.

(14) “Monitoring agreement” means an individualized agreement between a licensee and the vendor that meets the requirements for a diversion agreement set by ORS 676.190.

(15) “Monitoring Entity” means an independent third party that monitors licensees HPSP enrollment status and monitoring agreement compliance.

(16) “Non-treatment compliance monitoring” means the non-medical, non-therapeutic services employed by the vendor to track and report the licensee’s compliance with the monitoring agreement.

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(17) "Peer" means another licensee currently enrolled in the program.

(18) "Provisional enrollment" means temporary enrollment, pending verification that a licensee meets all program eligibility criteria.

(19) "Self-referred licensee" means a licensee who seeks to participate in the program without a referral from the board.

(20) "Substance use disorder" means a disorder related to the taking of a drug of abuse (including alcohol); to the side effects of a medication; and to a toxin exposure, including: substance use disorders (substance dependence and substance abuse) and substance-induced disorders (including but not limited to substance intoxication, withdrawal, delirium, and dementia, as well as substance induced psychotic disorders and mood disorders), as defined in DSM criteria.

(21) "Substantial non-compliance" means that a licensee is in violation of the terms of his or her monitoring agreement in a way that gives rise to concerns about the licensee's ability or willingness to participate in the HPSP. Substantial non-compliance and non-compliance include, but are not limited to, the factors listed in ORS 676.190(1)(f). Conduct that occurred before a licensee entered into a monitoring agreement does not violate the terms of that monitoring agreement.

(22) "Successful completion" means that for the period of service deemed necessary by the vendor or the Board, the licensee has complied with the licensee's monitoring agreement to the satisfaction of the HPSP and/or the Board.

(23) "Toxicology testing" means urine testing or alternative chemical monitoring including blood, saliva, breath or hair as conducted by a laboratory certified, accredited or licensed and approved for toxicology testing.

(24) "Treatment" means the planned, specific, individualized health and behavioral-health procedures, activities, services and supports that a treatment provider uses to remediate symptoms of a substance use disorder, mental health disorder or both types of disorders.

(25) "Vendor" means the entity that has contracted with the Division to conduct the HPSP.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0020

Participation in Health Professionals Services Program

Effective July 1, 2010, the Board shall participate in the Health Professionals Services Program and may refer eligible licensees to the HPSP in lieu of or in addition to discipline. Only licensees who meet the eligibility criteria may be referred by the Board to the Health Professionals Services Program.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0025

Eligibility for Participation in Health Professionals Services Program

(1) Licensee must be evaluated by an independent, third-party evaluator approved by the Board. The evaluation must include a diagnosis of a substance use disorder, mental health disorder, or both types of disorders with the appropriate diagnostic code from the DSM, and treatment options.

(2) Licensee must provide a written statement agreeing to enter the HPSP in lieu of or in addition to discipline and agreeing to abide by all terms and conditions established by the Board.

(3) Licensee must enter into the "HPSP Monitoring Agreement."

(4) The OMB will perform a "Safe to Practice" Investigation upon licensee's enrollment.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0030

Procedure for Board Referrals

(1) When the Board receives information involving a licensee who may have a substance use disorder, a mental disorder, or both types of disorders, the Board staff will investigate and complete a report to be presented at a Board meeting.

(2) The Board will review the report and determine if the licensee meets the eligibility criteria for the HPSP.

(3) If licensee meets eligibility criteria and the board approves entry into the HPSP, the Board will provide a written referral. The referral must include:

(a) A copy of the report from the independent, third-party evaluator who diagnosed the Licensee;

(b) The treatment options developed by the independent third-party evaluator;

(c) A statement that the Board has investigated the licensee's professional practice and conduct;

(d) A description of any restrictions imposed by the Board or recommended by the Board on the licensee's professional practice;

(e) A written statement from the licensee agreeing to enter the HPSP in lieu of or in addition to discipline and agreeing to abide by all terms and conditions established by the vendor; and

(f) A statement that the licensee has agreed to report any arrest for or conviction of a misdemeanor or felony crime to the board within three business days after the licensee is arrested or convicted.

(4) A board-referred licensee is enrolled in the program effective on the date the licensee signs the consents and the monitoring agreement required by ORS 676.190.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0035

Procedure for Self- Referred Licensees

Self-referred licensees may participate in the HPSP as permitted by ORS 676.190(5).

(1) Provisional Enrollment. To be provisionally enrolled in the program, a self-referred licensee must:

(a) Sign a written consent allowing disclosure and exchange of information between the vendor, the monitoring entity, the licensee's employer, independent third-party evaluators, and treatment providers;

(b) Sign a written consent allowing disclosure and exchange of information between the vendor, the Board, the monitoring entity, the licensee's employer, independent third-party evaluators and treatment providers in the event the vendor determines the licensee to be in substantial non-compliance with his or her monitoring agreement as defined in OAR 847-065-0065. The purpose of the disclosure is to permit the vendor and the monitoring entity to notify the Board if the vendor determines the licensee to be in substantial non-compliance with his or her monitoring agreement;

(c) Attest that the licensee is not, to the best of the licensee's knowledge, under investigation by his or her Board; and

(d) Agree to and sign a monitoring agreement.

(2) Upon provisional enrollment, the vendor shall send to the monitoring entity copies of the signed consents and the monitoring agreement, described in section one of this rule.

(3) Final Enrollment: To move from provisional enrollment to final enrollment in the program, a self-referred licensee must:

(a) Obtain at the licensee's own expense and provide to the vendor, an independent third-party evaluator's written evaluation containing a DSM diagnosis and diagnostic code and treatment recommendations;

(b) Agree to cooperate with the vendor's investigation to determine whether the licensee's practice while impaired presents or has presented a danger to the public; and

(c) Enter into an amended monitoring agreement, if required by the vendor.

(4) Once a self-referred licensee seeks enrollment in the HPSP, failure to complete final enrollment may constitute substantial non-compliance and may be reported to the Board.

(5) Upon final enrollment of a self-referred licensee, the vendor shall send to the monitoring entity a copy of the written evaluation by the independent third-party evaluator and a copy of the amended monitoring agreement, if any.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0040

Disqualification Criteria

Licensees, either Board-referred or self-referred, may be disqualified from entering the HPSP for factors including, but not limited to:

(1) Licensee's disciplinary history;

(2) Severity and duration of the licensee's impairment;

(3) Extent to which licensee's practice can be limited or managed to eliminate danger to the public;

(4) Likelihood that licensee's impairment can be managed with treatment and monitoring;

(5) Evidence of criminal history that involves injury or endangerment to others;

(6) A diagnosis requiring treatment because of sexual offenses or sexual misconduct;

(7) Evidence of non-compliance with a monitoring program from another state;

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- (8) Pending investigations with the Board or boards from other states;
- (9) Previous Board investigations with findings of substantiated abuse or dependence; and
- (10) Prior enrollment in, but failure to successfully complete, the Board of Medical Examiners/Oregon Medical Board, Health Professionals Program.

Stat. Auth.: ORS 676.185-200 & 677.265
Stats. Implemented: ORS 677.185 & 677.265
Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0045

Approval of Independent Third-Party Evaluators

(1) To be approved by the Board as an independent third-party evaluator, an evaluator must be:

(a) Licensed as required by the jurisdiction in which the evaluator works;

(b) Able to provide a comprehensive assessment of and written report describing a licensee's diagnosis, degree of impairment, and treatment options; and

(c) Able to facilitate a urinalysis of the licensee at intake.

(2) The Board will not accept an evaluator as independent in a particular case if, in the Board's judgment, the evaluator's judgment is likely to be influenced by a personal or professional relationship with a licensee.

(3) The Board will maintain a list of independent third-party evaluators available to licensees upon request.

Stat. Auth.: ORS 676.185-200 & 677.265
Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0050

Approval of Treatment Providers

(1) To be approved by the Board as a treatment provider, a provider must be:

(a) Licensed as required by the jurisdiction in which the provider works;

(b) Able to provide appropriate treatment considering licensee's diagnosis, degree of impairment, and treatment options proposed by the independent third-party evaluator; and

(c) Able to facilitate a urinalysis of the licensee at intake.

(2) The Board will not accept a provider as a treatment provider in a particular case if, in the Board's judgment, the provider's judgment is likely to be influenced by a personal or professional relationship with a licensee.

(3) The Board will maintain a list of treatment providers available to licensees upon request.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0055

Licensee Responsibilities

All licensees must:

(1) Agree to report any arrest for or conviction of a misdemeanor or felony crime to the vendor and the Board within three business days after the licensee is arrested or convicted of the crime; and

(2) Comply continuously with his or her monitoring agreement, including any restrictions on his or her practice, for at least two years or longer, as specified in the monitoring agreement.

(3) Abstain from mind-altering or intoxicating substances or potentially addictive drugs, unless the drug is approved by the HPSP and prescribed for a documented medical condition by a person authorized by law to prescribe the drug to the licensee;

(4) Report use of mind-altering or intoxicating substances or potentially addictive drugs within 24 hours;

(5) Participate in a treatment plan approved by a third party;

(6) Limit practice as required by the HPSP or the Board;

(7) Cooperate with supervised monitoring of practice;

(8) Participate in a follow-up evaluation, when necessary, of licensee's fitness to practice;

(9) Submit to random drug or alcohol testing;

(10) Report to at least weekly to the HPSP regarding the licensee's compliance with the monitoring agreement;

(11) Report applications for licensure in other states, changes in employment and changes in practice setting;

(12) Agree to be responsible for the cost of evaluations, toxicology testing, treatment and monitoring.

(13) Report to the HPSP any investigations or disciplinary action by any state, or state or federal agency, including Oregon.

(14) Participate in required meetings according to the treatment plan.

(15) Maintain current license status.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0060

Completion Requirements

(1) The time spent working in a monitored practice before transferring from the Health Professionals Program to the Health Professionals Services Program effective July 1, 2010, will be counted toward the required term of monitored practice.

(2) The licensee will remain enrolled in the program for a minimum of two consecutive years.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

847-065-0065

Substantial Non-Compliance Criteria

The HPSP or the monitoring entity will report substantial non-compliance with the diversion agreement within one business day after the HPSP learns of non-compliance, including but not limited to information that a licensee:

(1) Engaged in criminal behavior;

(2) Engaged in conduct that caused injury, death or harm to the public, including engaging in sexual impropriety with a patient;

(3) Was impaired in a health care setting in the course of the licensee's employment;

(4) Received a positive toxicology test result as determined by federal regulations pertaining to drug testing;

(5) Violated a restriction on the licensee's practice imposed by the HPSP or the licensee's Board;

(6) Was admitted to the hospital for mental illness or adjudged to be mentally incompetent;

(7) Entered into a diversion agreement, but failed to participate in the HPSP;

(8) Was referred to the HPSP, but failed to enroll in the HPSP;

(9) Forged, tampered, or modified a prescription;

(10) Violated any rules of prescriptive authority;

(11) Violated any provisions of OAR 847-065-0055; or

(12) Violated any terms of the diversion agreement.

(13) Failed to complete the monitored practice requirements.

(14) The Board, upon being notified of a licensee's substantial non-compliance will investigate and determine the appropriate sanction.

Stat. Auth.: ORS 676.185-200 & 677.265

Stats. Implemented: ORS 677.185 & 677.265

Hist.: BME 15-2010(Temp), f. & cert. ef. 8-3-10 thru 1-18-11

Oregon Public Employees Retirement System Chapter 459

Rule Caption: Update rule to address employee contributions under 238A and judge member contributions.

Adm. Order No.: PERS 6-2010

Filed with Sec. of State: 8-2-2010

Certified to be Effective: 8-2-10

Notice Publication Date: 3-1-2010

Rules Amended: 459-009-0200

Subject: OAR 459-005-0200 covers employer remittance of employee contributions under ORS Chapter 238, which have not existed since January 1, 2004. Employee contributions and employer payment of employee contributions are now governed by OAR Chapter 238A for contributions to the Individual Account Program. The Proposed rule modification address employee contributions under ORS Chapter 238A, remitting of judge member employer contribution, and correct both federal Internal Revenue Code citations and the reference to the remittance rule, OAR 459-070-0110.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-009-0200

Employer Remitting of Employee Contributions

(1) A participating employer shall remit to PERS in accordance with OAR 459-070-0110 the contributions required by ORS 238A.330. Unless otherwise agreed to as provided for in sections (2) or (3) of this rule, the employer shall withhold and remit the required contributions on an after-tax

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basis as defined in OAR 459-005-0001(2), which shall be known as “member paid after-tax contributions (MPAT)”.

(2) In accordance with Internal Revenue Code (IRC) Section 414(h), and under provision of ORS 238A.335(2)(b), participating employers may voluntarily agree to assume and pay the employee contribution on behalf of its employees, which shall be known as “employer paid pre-tax contributions (EPPT)”. The employer assumption and payment of the employee contributions shall be subject to the following terms and conditions:

(a) The employer’s employment agreement(s) to assume and pay the contributions must be evidenced by a certified copy of the employer’s policy established by statute, charter, ordinance, administrative rule, executive order, collective bargaining agreement, or other written employment policy or agreement. The employer’s employment policy(s) or agreement(s) shall specify that:

(A) The required PERS employee contribution is deemed to be picked up for purposes of IRC Section 414(h)(2) and is assumed and paid for purposes of ORS 238A.335(2)(b);

(B) The employees do not have the option of receiving the assumed amount directly;

(C) Employee compensation may not be reduced and the employer shall provide the additional amounts necessary to make the employee contributions; and

(D) The employer’s employment policy(s) or agreement(s) is not retroactive in its application.

(b) The employer’s employment policy(s) or agreement(s) to assume and pay employee contributions may not be construed to require an employer to open or renegotiate a pre-existing collective bargaining agreement or change an employment policy before its normal expiration date.

(c) The employer’s employment policy(s) or agreement(s) must be to assume and pay the full amount, and not a portion thereof, of the affected employees’ contributions required by ORS 238A.330.

(d) The employer’s policy(s) or agreement(s) may apply to all its employees or some of its employees. If it applies only to some employees, it shall apply uniformly to all employees of the public employer who are employed in similarly situated positions, such as, but not limited to:

(A) The chief executive officer or administrative head of a public employer.

(B) Management personnel, as defined by the public employer, not otherwise covered by a collective bargaining agreement.

(C) Confidential personnel, as defined by the public employer, not otherwise covered by a collective bargaining agreement.

(D) Administrative personnel, as defined by the public employer, not otherwise covered by a collective bargaining agreement.

(E) Personnel covered by a collective bargaining agreement.

(F) Other personnel, whether full time, part time, temporary, or as a substitute, who are not covered by a collective bargaining agreement.

(3) Under provision of ORS 238A.335(2)(a), participating employers may voluntarily agree to “pick-up” the employee contributions withheld, and such picked-up contributions shall be known as “member paid pre-tax contributions (MPPT)”. The employer “pick-up” of the employee contributions shall be subject to the following terms and conditions:

(a) The employer’s agreement(s) to “pick-up” the contributions must be evidenced by a certified copy of the employer’s policy established by statute, charter, ordinance, administrative rule, executive order, collective bargaining agreement, or other written employment policy or agreement. The employer’s policy(s) or agreement(s) shall specify that:

(A) The employees do not have the option of receiving the picked-up amount directly;

(B) The employee compensation shall be reduced by the amount necessary to make the employee contributions; and

(C) The employer’s policy(s) or agreement(s) is not retroactive in its application.

(b) The employer’s employment policy(s) or agreement(s) to “pick-up” employee contributions withheld may not be construed to require an employer to open or re-negotiate a pre-existing collective bargaining agreement or change an employment policy before its normal expiration date.

(c) The employer’s policy(s) or agreement(s) must be to “pick-up” the full amount, and not a portion thereof, of the affected employees’ contributions required by ORS 238A.330.

(d) The employer’s employment policy(s) or agreement(s) may apply to all its employees, or some of its employees. If it applies to only some of its employees, it shall apply uniformly to all employees of the public employer who are employed in similarly situated positions, such as, but not limited to:

(A) The chief executive officer or administrative head of a public employer.

(B) Management personnel, as defined by the public employer, not otherwise covered by a collective bargaining agreement.

(C) Confidential personnel, as defined by the public employer, not otherwise covered by a collective bargaining agreement.

(D) Administrative personnel, as defined by the public employer, not otherwise covered by a collective bargaining agreement.

(E) Personnel covered by a collective bargaining agreement.

(F) Other personnel, whether full time, part time, temporary, or as a substitute, who are not covered by a collective bargaining agreement.

(4) The notification of the employer’s written employment policy(s) or agreement(s) to enter into or to revoke (1) the “pick-up”, or (2) to assume and pay contributions on behalf of employees, shall be submitted to PERS for review and approval, and shall become effective on the date the notification is received by PERS. Additional information related to the employer’s policy or agreement shall be provided at the request of staff and in the manner required by staff. If approved by PERS, such policy and agreement may not be revoked by the employer except with prior written notice to PERS. All costs to correct any errors caused by failure to give required notice shall be borne by the employer.

(5) Notwithstanding sections (1) to (4) of this rule, judge member contributions shall be made in accordance with ORS 238.515.

Stat. Auth.: ORS 238.650 & 238A.450

Stats. Implemented: ORS 238.515, 238A.330 & 238A.335

Hist.: PER 1-1979(Temp), f. & ef. 6-1-79; PER 2-1979, f. & ef. 7-19-79; PER 2-1980, f. & ef. 3-7-80; PERS 1-1996, f. & cert. ef. 3-26-96; Renumbered from 459-010-0208; PERS 7-1999 f. & cert. ef. 11-22-99; PERS 12-2006, f. & cert. ef. 6-26-06; PERS 6-2010, f. & cert. ef. 8-2-10

Rule Caption: Align standards for disability proposed orders and non-disability proposed orders.

Adm. Order No.: PERS 7-2010

Filed with Sec. of State: 8-2-2010

Certified to be Effective: 8-2-10

Notice Publication Date: 5-1-2010

Rules Amended: 459-015-0030, 459-015-0055

Subject: OAR 459-015-0030, Hearings on Denial or Discontinuance of Disability Retirement Allowances. In 2008, PERS adopted changes to OAR 459-001-0035, Contested Case Hearing. The rule modifications were made to conform to DOJ model rules and to eliminate overlap and duplicative authorities. When those changes were made, similar changes should have been made to OAR 459-015-0030. In section (4), language is deleted as it is covered by the Office of Administrative Hearings (OAH) procedural rules. The new language in section (4) reflects section (10) of OAR 459-001-0035. Minor edits were made to sections (5) and (6).

OAR 459-015-0055, Selection of Benefit Option and Commencement of Allowance. The rule modifications clarify when a disability payment is due, and that the time period of when payment of a disability retirement allowance shall commence refers to business days, not calendar days. Other changes to the rule include eliminating redundant language and clarifying that, if a member’s disability retirement allowance is canceled before the first benefit payment or is discontinued, the benefit option selected for that disability retirement allowance is canceled and a different option may be selected upon a subsequent retirement.

Rules Coordinator: Daniel Rivas—(503) 603-7713

459-015-0030

Hearings on Denial or Discontinuance of Disability Retirement Allowances

(1) A final denial of an application for disability benefits, or any decision discontinuing a previously granted disability retirement allowance may be reviewed in a contested case hearing.

(2) A contested case hearing may be requested by a member by filing with the Board a written request as provided for in OAR 459-001-0035.

(3) The contested case hearing shall be heard before an administrative law judge designated by the Office of Administrative Hearings and conducted in accordance with the Attorney General’s Model Rules of Procedure as adopted by OAR 459-001-0005. The member may represent himself/herself or be represented by legal counsel. An Assistant Attorney General will appear at the hearing to assist the staff in presenting its position, and to assist in the development of a complete hearing record.

ADMINISTRATIVE RULES

(4) The Board generally deliberates and decides on final orders during regularly scheduled board meetings. The Board may instead deliberate and decide at any other time and place allowed by law, as determined on a case-by-case basis, such as electronically or via a telephone conference.

(5) In accordance with OAR 459-001-0040, before initiating any judicial review of a final order, an applicant may file with the Board a petition for reconsideration.

(6) Any disputed claim concerning a disability retirement allowance or discontinuance of such allowance may be voluntarily settled on a lump-sum basis subject to recommendation of the assigned Assistant Attorney General and final approval of the Board. Settlements approved by the Board shall be paid upon receipt of a "Release and Covenant Not to Sue" signed by the applicant and the applicant's attorney, if any.

Stat. Auth.: ORS 183.310 - 183.550, 183.600 - 183.690 & 238.650
Stats. Implemented: ORS 238.320 - 238.345
Hist.: PER 6-1979(Temp), f. & ef. 11-21-79; PER 3-1980, f. & ef. 5-8-80; PERS 2-1992, f. & cert. ef. 1-14-92; Renumbered from 459-001-0020; PERS 9-2003, f. & cert. ef. 8-4-03; PERS 21-2005, f. & cert. ef. 11-1-05; PERS 7-2010, f. & cert. ef. 8-2-10

459-015-0055

Selection of Benefit Option and Commencement of Allowance

(1) Upon filing an application for a disability retirement allowance, the member may make a preliminary designation of beneficiary and a preliminary selection of benefit option.

(a) A member may choose from retirement Options 1, 2, 2A, 3, 3A, 15 year certain or refund annuity as set forth in ORS 238.300 and 238.305, or an optional disability retirement allowance under ORS 238.325.

(b) A member may not choose a lump-sum option.

(2) Within 90 days following the Director's, or the Director's designee's, approval of the application for disability retirement allowance, the member must complete a final designation of beneficiary and selection of benefit option on forms provided by PERS. Receipt of the final forms will supersede any preliminary beneficiary designation or benefit option.

(a) The final option selected applies only to the corresponding time period the member is receiving a disability retirement allowance.

(b) The beneficiary designation or benefit option may be changed up to 60 days after the date of the first actual (not estimated) benefit payment as provided in ORS 238.325(2). The beneficiary or benefit option change will be retroactive to the effective disability retirement date.

(c) If a member's disability retirement allowance is canceled before the first benefit payment or is discontinued, the option selected for the purposes of that disability retirement allowance is canceled and a new option may be selected upon a subsequent disability or service retirement.

(3) If the member does not complete a final selection of benefit option within 90 days following the Director's, or the Director's designee's, approval of the application for disability retirement allowance:

(a) The benefit will be the benefit as set forth under ORS 238.320(1); and

(b) The latest beneficiary designation on file for the PERS Chapter 238 Program will be used to determine the default beneficiary. If no designation exists, the beneficiary will be as provided for under ORS 238.390(2).

(4) Purchases. If a member is eligible to purchase additional creditable service or retirement credit under ORS Chapter 238, the member must submit payment for the purchase(s) at the time the member submits the final selection of benefit option form required under section (2) of this rule.

(5) The payment of a disability retirement allowance shall commence within 10 business days following receipt by PERS of all of the following items, or the date the first payment is due, as set forth in Section (6) of this rule, whichever is later:

(a) From the member:

(A) Final designation of beneficiary and selection of benefit option form;

(B) Proof of member's age;

(C) Proof of age for the designated beneficiary if a joint survivor option is elected; and

(D) Spousal consent form.

(b) From the employer:

(A) Financial; and

(B) Demographic information indicating the member has separated from PERS-covered employment.

(6) A disability payment is first due on the later of:

(a) The first of the calendar month in which the member files a complete application for disability benefits with PERS; or

(b) The first of the month following the first full calendar month after final payment by the employer of any wages or paid leave benefits to the

member, excluding any cash payoff of accrued vacation or compensatory time; or

(c) The first of the calendar month following the date that the disability application is approved by the Director.

(7) Notwithstanding section (6) of this rule, no payment shall be made before the end of the period of 90 consecutive days beginning with the date of disability and shall be retroactive to the effective date of disability.

(8) If PERS cannot calculate the actual disability benefit payment, an estimated payment will be made until PERS receives all the necessary information needed to calculate the actual benefit payment. The payment will be made retroactive to the effective date of disability if the benefits become due before the 90 consecutive day period of incapacitation has elapsed.

(a) If the estimated payment results in an underpayment of \$10 or more a month, the member will receive interest based on the provisions set forth in OAR 459-007-0015.

(b) If the estimated payment results in an overpayment of any amount, the overpayments may be recovered by decreasing the monthly benefit amount until the difference between the amount the member received and the amount the member should have received is recovered.

(9) Minimum disability benefit. A disability benefit will not be less than \$100 per month under the non-refund Option 1 benefit or the amount the member would have received for service retirement, if eligible, whichever is higher.

(10) In the event a member applying for a disability retirement allowance dies before the Director's approval of the application:

(a)(A) If the member has made a preliminary benefit option election, the preliminary election shall be effective upon the Director's approval of the application for disability retirement.

(B) If the deceased member was eligible to purchase additional creditable service or retirement credit under ORS Chapter 238, the beneficiary, if any, designated in the preliminary election may make the purchase(s) by submitting the required forms and payment within 90 days from the date the disability application is approved.

(b) If the member has not made a preliminary benefit option election, the member will be considered as having died before retirement.

(A) If the beneficiary designated under ORS 238.390(1) is the surviving spouse, the surviving spouse may, within 90 days from the date the disability application is approved, elect to have either Option 2 or 3 disability benefits or pre-retirement death benefits, as provided in 238.390 or 238.395, if eligible.

(i) Regardless of the election made by the surviving spouse under paragraph (b)(A) of this section, all benefits will cease upon the surviving spouse's death.

(ii) If the deceased member was eligible to purchase additional creditable service or retirement credit under ORS Chapter 238, a surviving spouse who elects disability benefits under paragraph (b)(A) of this section, may make the purchase(s) by submitting the required forms and payment at the time of the election.

(B) If the beneficiary designated under ORS 238.390(1) is not the surviving spouse, the beneficiary will receive pre-retirement death benefits as provided in 238.390 or 238.395, if eligible.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 238.320, 238.325 & 238.330

Hist.: PERS 2-1992, f. & cert. ef. 1-14-92; PERS 15-2005, f. & cert. ef. 10-3-05; PERS 6-2008, f. & cert. ef. 4-2-08; PERS 7-2010, f. & cert. ef. 8-2-10

Rule Caption: Revise ETOB testing standards to allow the PERS Board to fulfill its statutory responsibilities.

Adm. Order No.: PERS 8-2010

Filed with Sec. of State: 8-2-2010

Certified to be Effective: 8-2-10

Notice Publication Date: 7-1-2010

Rules Amended: 459-030-0025

Subject: Preliminary application of the ETOB testing standards in the current administrative rule, particularly when used to compare employer defined contribution plans to the PERS defined benefit plan, did not fully incorporate the fundamental structural differences between those plan types. With the consideration of additional input from stakeholders and the PERS Board's actuaries, these rule modifications better align the test standards with that principle.

Rules Coordinator: Daniel Rivas—(503) 603-7713

ADMINISTRATIVE RULES

459-030-0025

Standards for Review of Police Officers and Firefighters Retirement Plans

(1) For purposes of this rule:

(a) "Assumed rate" has the same meaning as provided in OAR 459-007-0001.

(b) "Valuation date" means the date set by the Board as of which the retirement benefits under the public employer's retirement plan and the retirement benefits under the PERS Plan shall be compared.

(2) A determination whether a public employer provides retirement benefits to its police officers and firefighters that are equal to or better than the benefits that would be provided to them by PERS will be made as of the valuation date.

(3) The Board will consider the aggregate total actuarial present value, as of the valuation date, of all retirement benefits accrued up to the valuation date and projected to be accrued thereafter to the date of projected retirement by the group of police officers and firefighters employed on the valuation date by the public employer. The Board will compare the retirement benefits provided under the public employer's retirement plan for each of the following classes of employees to the retirement benefits provided to the equivalent class of employees participating in the PERS Plan:

(a) Police officers or firefighters who would have established membership in the system before January 1, 1996, as described in ORS 238.430(2), and would have been entitled to receive benefits under the PERS Plan;

(b) Police officers or firefighters who would have established membership in the system on or after January 1, 1996, as described in ORS 238.430, and before August 29, 2003, as described in 238A.025, and would have been entitled to receive benefits under the PERS Plan; and

(c) Police officers or firefighters who would have established membership in the system on or after August 29, 2003, and would have been entitled to benefits under the PERS Plan.

(4) For each class of employees described in section (3) of this rule:

(a) The aggregate total actuarial present value as of the valuation date of the projected full-career retirement benefits provided by the public employer must be equal to or better than those provided by PERS to the equivalent class of employees.

(b) The actuarial present value of projected retirement benefits for each individual employee need not be equal to or better than the present value that employee would have received as a member of that employee's equivalent class in PERS.

(c) The public employer's retirement plan or plans must provide at least eighty percent (80%) of the actuarial present value of projected retirement benefits in each of the major categories of retirement benefits available under PERS, namely: a service retirement benefit, including post retirement health care and a disability retirement benefit, also including post retirement health care.

(5) In adopting the following methods and assumptions, to be used in conducting an actuarial review of a public employer's retirement plan, preference has been given to the simplest, least expensive methodology consistent with ORS 237.610 to 237.620 and applicable actuarial standards:

(a) Only employer funded benefits shall be used as the basis for the test comparison. Any contribution deemed as an employee contribution will be treated as an employee contribution for testing purposes, even if paid for by the employer unless the employer's plan specifies that the employer is responsible to make the contribution on the employee's behalf and that responsibility is nonelective.

(b) The Full Formula, Money Match, Formula Plus Annuity, and OPSRP Pension benefit formulas shall be used as the basis for valuing PERS benefits.

(c) Prior service benefits that depend on earnings shall be valued using the assumed rate, taking into consideration guaranteed plan returns.

(d) Future service benefits that depend on earnings shall be valued using the assumed rate, taking into consideration guaranteed plan returns.

(e) Benefits will be assumed to be paid in the typical and customary distribution form given the structure of the underlying plan. For example, PERS benefits will be paid using the most recent distribution assumption as of the valuation date, and benefits from a defined contribution program will be assumed to be paid as a lump sum at the date of projected retirement.

(f) Lump sum/annuity conversions, if needed, shall be calculated using the assumed rate.

(g) The assumed rate will be used to discount projected future benefits back to the valuation date.

(h) Benefit comparisons shall use a hypothetical PERS member data standard for each demographic group.

(6) In conducting an actuarial review of the public employer's retirement plan, the actuary retained by the Board will use its current actuarial assumptions for police officers and firefighters of public employers participating in PERS for those employees, subject to any exceptions noted above.

(7) The Board will consider the estimated cost of the benefits to be provided, the estimated value of projected benefits to the employee, and the proportion of the cost being paid by the public employer and the participating police officers and firefighters. Whether the benefits are provided by contract, trust, insurance, or a combination thereof shall have no effect on the Board's determination.

(8) In considering a public employer's retirement plan provisions, the Board may not value portability of pension credits, tax advantages, Social Security benefits or participation, any worker's compensation component of a public employer's retirement plan as determined by the employer or any portion of a benefit funded by the member.

(9) The Board may not consider benefits provided by the PERS Plan under ORS 238.375-238.387 or benefits provided by the employer's retirement plan under 237.635-237.637. The employer must identify benefits paid to comply with 237.635-237.637.

(10) Additional actuarial assumptions needed to evaluate the public employer's retirement plan may be considered by the Board's actuary to be consistent with assumptions specified in these rules. Any disputes as to the appropriateness of additional actuarial assumptions may be resolved by the Board in its sole discretion.

Stat. Auth.: ORS 238.650

Stats. Implemented: ORS 237.620

Hist.: PER 4-1978, f. & ef. 11-2-78; PER 15-1981, f. & ef. 11-23-81; PERS 1-1989, f. & cert. ef. 12-4-89; PERS 9-2005, f. & cert. ef. 2-22-05; PERS 2-2009, f. & cert. ef. 2-12-09; PERS 8-2010, f. & cert. ef. 8-2-10

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

Rule Caption: Creates discount for OSU Veterinary technician Hospital employees, professional students, alumni and service animal owners.

Adm. Order No.: OSU 4-2010

Filed with Sec. of State: 8-10-2010

Certified to be Effective: 8-10-10

Notice Publication Date: 7-1-2010

Rules Adopted: 576-010-0031, 576-010-0036, 576-010-0041

Subject: The purpose of this rule is to authorize Oregon State University's Veterinary Teaching Hospital ("VTH") to charge discounted fees for certain services and merchandise to faculty, professional students, staff and alumni of the College, as well as owners of service animals, through the establishment of a Discounted Fee Program. College of Veterinary Medicine ("College") faculty and staff will be eligible to receive a 20% discount on certain VTH services for eligible pets and a 40% discount off the retail price of Drug Room merchandise. Professional students will be eligible to receive a 25% discount on certain VTH services for eligible pets and 40% discount off the retail price of Drug Room merchandise. Graduates of the College and owners of eligible service animals will be eligible to receive a 20% discount on certain VTH services.

Rules Coordinator: Barbara Melton—(541) 737-6262

576-010-0031

Discounted Fee Program — Purpose

The purpose of this rule is to authorize the Veterinary Teaching Hospital to charge discounted fees for certain services and merchandise to faculty, professional students, staff and alumni of the College, as well as owners of service animals, through the establishment of a Discounted Fee Program. The Discounted Fee Program is established in OAR 576-010-0031 through 0041, and in policies adopted by the Hospital.

Stat. Auth.: ORS 351.070 & 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10

ADMINISTRATIVE RULES

Oregon University System, University of Oregon Chapter 571

576-010-0036

Definitions

The following definitions apply to OAR 576-010-0031, 576-010-0036 and 576-010-0041:

(1) "College" means the Oregon State University College of Veterinary Medicine

(2) "Discounted Fee Program" means the criteria and procedures described in OAR 576-010-0031 through 576-010-0041 for providing discounted fees to Eligible Participants for merchandise and service as described in this rule and in policies adopted by the Hospital.

(3) "Eligible Participant" means a person who meets the criteria set forth in OAR 576-010-0041(1).

(4) "Eligible Pet" means a pet that meets the criteria set forth in OAR 576-010-0041(2).

(5) "Eligible Services" means services described in OAR 576-010-0041(3).

(6) "Hospital" means the Oregon State University Veterinary Teaching Hospital.

Stat. Auth.: ORS 351.070 & 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10

576-010-0041

Eligibility Criteria, Discount, Loss of Eligibility

(1) Participant Eligibility

(a) To be eligible for the faculty and staff discount in subsection (4)(a) of this rule, a person must be employed by the College on the date that the services are rendered or the merchandise is purchased.

(b) To be eligible for the professional student discount in subsection 4(b) of this rule, a student must be enrolled in the Doctor of Veterinary Medicine program with the College on the date that the services are rendered or the merchandise is purchased.

(c) Graduates of the College are eligible for the alumni discount in subsection (4)(c) of this rule.

(d) Owners of assistance animals are eligible for the assistance animal discount in subsection (4)(d) of this rule if they present written documentation or certification that the animal assists the disabled. This documentation, which must include the assistance organization's name, will be copied and included in the patient's record.

(2) Pet Eligibility.

(a) Discounts are limited to services performed, or merchandise purchased, for animals that are personally owned by the Eligible Participant and are enrolled in the Discount Program. An Eligible Participant may enroll in the Discount Program using forms provided by the Hospital. An Eligible Participant may enroll a maximum of four (4) animals in this Discount Program at a time. Animals must be enrolled in the Discount Program prior to the Hospital visit or at the time of admission.

(b) An animal may remain enrolled in the Discount Program until its death, unless ownership is transferred to a person who is not an Eligible Participant.

(3) Eligible Services. All services provided by the Hospital are eligible for the Discount Program, with the exception of services provided through the Veterinary Diagnostic Laboratory and the Small Animal Preventive Health Program.

(4) Discounts

(a) Eligible Participants who qualify under subsection (1)(a) of this rule will receive a 20% discount on Eligible Services for Eligible Pets and a 40% discount off the retail price of Drug Room merchandise purchased for Eligible Pets.

(b) Eligible Participants who qualify under subsection (1)(b) of this rule will receive a 25% discount on Eligible Services for Eligible Pets and a 40% discount off the retail price of Drug Room merchandise purchased for Eligible Pets.

(c) Eligible Participants who qualify under subsection (1)(c) of this rule will receive a 20% discount on Eligible Services for Eligible Pets.

(d) Eligible Participants who qualify under section (1)(d) of this rule will receive a 20% discount on Eligible Services for Eligible Pets.

(5) Participants in this Discount Program who violate this rule may have discount privileges permanently removed.

Stat. Auth.: ORS 351.070 & 580-040-0010

Stats. Implemented: ORS 351.070

Hist.: OSU 4-2010, f. & cert. ef. 8-10-10

Rule Caption: Amend special fees, fines, penalties, and service charges.

Adm. Order No.: UO 2-2010

Filed with Sec. of State: 7-29-2010

Certified to be Effective: 7-30-10

Notice Publication Date: 3-1-2010

Rules Amended: 571-060-0005

Subject: The University administration has determined that the adoption to the fee list will be necessary in order to provide the basis for funding to cover the expenses of the services rendered and to maintain a current schedule of fees, fines, penalties, and services charges.

Rules Coordinator: Deb Donning—(541) 346-3082

571-060-0005

Special Fees, Fines, Penalties, Service Charges

The University of Oregon has adopted by reference a list of Special Fees, Fines, Penalties, Service Charges, etc., for the current fiscal year:

(1) The fees, fines, penalties and service charges listed by reference in this rule are updated annually and copies are on file in the listed departments by July 1.

(2) The amounts and conditions of these fees may change from time to time throughout the year due to administrative considerations, changing costs, changes in institutional budgets, etc. If the size and the amount of these fees are or could be of importance to users, they should verify the details prior to making a commitment, before entering into any planning activities or before actually incurring any charges.

(3) The master copy of the current list of fees is maintained in the Office of the Director of Business Affairs and is available upon request to any person during regular business hours. The Director of Business Affairs also maintains a bulletin board where fee changes made during each 30-day period are posted. Following that posted period, the changes are filed with in the master copy.

(4) University departments charging fees shall maintain a copy of at least that department's section of the list of special fees, fines, penalties and service charges including any updates made during the course of the fiscal year. The list and all current changes shall be available upon request to any person during regular departmental business hours.

(5) No department may change fees between annual amendments to this rule without first obtaining an approved statement of justification signed by the appropriate Vice-President. Prior to granting approval of any fee charged to students, the Vice-President shall consult with the Office of Student Advocacy. Changes in fees approved by the Vice-President and the justification statement shall be posted for 15 days in a public area of the departmental office. The new fee, fine, penalty or charge becomes effective at the end of the 15-day posting period after it is filed with the Director of Business Affairs along with the justification statement.

(6) However, student loan service charges, charges levied as penalties for prohibited conduct, general tuition, building fees, incidental fees, health service fees, and residence hall and housing charges, shall be adopted in accordance with the provision of ORS 183.310 to 183.500.

(7) Certain charges, fees or fee schedules may, according to ORS 351.072(b), be adopted without compliance with rulemaking provisions of ORS 183.310 to 183.500. They are: charges relating to symposiums, conferences, short courses, food, books or other retail goods, prices of admission to athletic, entertainment or cultural events or advertising rates in student or institutional publications.

Stat. Auth.: ORS 351.070, 351 & 352

Stats. Implemented: ORS 351.070

Hist.: UOO 20, f. & cert. ef. 4-27-76; UOO 34(Temp), f. & cert. ef. 8-8-77; UOO 37, f. & cert. ef. 9-30-77; UOO 3-1978, f. & cert. ef. 7-1-78; UOO 1-1979(Temp), f. 6-26-79, ef. 7-1-79; UOO 4-1979, f. & cert. ef. 10-3-79; UOO 7-1980, f. 6-30-80, ef. 7-1-80; UOO 7-1981(Temp), f. 6-16-81, ef. 7-1-81; UOO 9-1981(Temp), f. & cert. ef. 6-29-81; UOO 2-1982, f. & cert. ef. 4-14-82; UOO 4-1982, f. & cert. ef. 6-10-82; UOO 4-1983, f. & cert. ef. 6-10-83; UOO 5-1983(Temp), f. & cert. ef. 6-15-83; UOO 2-1984, f. 6-11-84, ef. 7-1-84; UOO 3-1985, f. 6-19-85, ef. 7-1-85 UOO 1-1986; f. 6-4-86, ef. 7-1-86; UOO 4-1986(Temp), f. & cert. ef. 11-10-86; UOO 7-1986(Temp), f. 12-30-86, ef. 1-1-87; UOO 8-1986(Temp), f. 12-30-86, ef. 1-1-87; UOO 1-1987, f. & cert. ef. 1-29-87; UOO 3-1987, f. 6-17-87, ef. 7-1-87; UOO 6-1988, f. 6-29-88, cert. ef. 7-1-88; UOO 8-1988, f. & cert. ef. 8-17-88; UOO 5-1989, f. 6-20-89, cert. ef. 7-1-89; UOO 7-1990, f. 6-14-90, cert. ef. 7-1-90; UOO 9-1991, f. 6-12-91, cert. ef. 7-1-91; UOO 1-1992, f. 4-9-92, cert. ef. 7-1-92; UOO 2-1993, f. 4-19-93, cert. ef. 7-1-93; UOO 9-1993, f. & cert. ef. 6-15-93; UOO 11-1993, f. 8-29-93, cert. ef. 9-1-93; UOO 2-1994, f. 6-13-94, cert. ef. 7-1-94; UOO 3-1994, f. 6-14-94, cert. ef. 7-1-94; UOO 4-1995, f. 6-13-95, cert. ef. 7-1-95; UOO 5-1995, f. 7-31-95, cert. ef. 8-1-95; UOO 3-1996, f. 6-6-96, cert.

ADMINISTRATIVE RULES

ef. 7-1-96; UOO 6-1997, f. 6-18-97, cert. ef. 7-1-97; UOO 7-1997, f. 6-18-97, cert. ef. 7-1-97; UO 1-1998, f. 6-17-98, cert. ef. 7-1-98; UO 2-1998, f. 6-17-98, cert. ef. 7-1-98; UO 2-1999, f. 6-1-99, cert. ef. 7-1-99; UO 3-1999, f. 6-1-99, cert. ef. 7-1-99; UO 2-2000, f. 6-15-00, cert. ef. 7-1-00; UO 1-2001, f. 6-18-01, cert. ef. 7-1-01; UO 2-2001, f. 6-18-01, cert. ef. 7-1-01; UO 2-2002, f. 6-19-02, cert. ef. 7-1-02; UO 3-2002, f. 6-19-02, cert. ef. 7-1-02; UO 1-2003, f. 6-23-03, cert. ef. 7-1-03; UO 2-2003, f. 6-23-03, cert. ef. 7-1-03; UO 2-2004, f. 5-11-04, cert. ef. 7-1-04; UO 3-2004, f. 6-30-04, cert. ef. 7-1-04; UO 6-2007, f. & cert. ef. 2-22-07; UO 8-2007, f. & cert. ef. 3-12-07; UO 9-2007, f. 5-10-07, cert. ef. 6-29-07; UO 11-2007, f. 6-19-07, cert. ef. 6-29-07; UO 2-2008, f. 5-6-08, cert. ef. 7-1-08; UO 4-2008, f. 6-27-08, cert. ef. 7-1-08; UO 1-2009, f. 4-24-09, cert. ef. 7-1-09; UO 2-2009 f. 6-30-09, cert. ef. 7-1-09; UO 1-2010, f. 4-22-10, cert. ef. 7-1-10; UO 2-2010, f. 7-29-10, cert. ef. 7-30-10

**Oregon University System,
Western Oregon University
Chapter 574**

Rule Caption: Revisions to special course fees and general services fees.

Adm. Order No.: WOU 2-2010

Filed with Sec. of State: 8-4-2010

Certified to be Effective: 8-4-10

Notice Publication Date: 7-1-2010

Rules Amended: 574-050-0005

Subject: Amendments will allow for increases, additions, and revision of special course fees and general service fees.

Rules Coordinator: Debra L. Charlton—(503) 838-8597

574-050-0005

Special Fees for Selected Courses and Some General Services

The Schedule of Fees for Selected Courses and General Services for Western Oregon University are hereby adopted by reference.

[NOTE: Publications referenced are available from the Office of the Vice President for Finance and Administration at Western Oregon University.]

Stat. Auth.: ORS 351.070 & 351.072

Stats. Implemented: ORS 351.070 & 351.072

Hist.: OCE 1, f. & ef. 7-12-76; OCE 1-1978, f. & ef. 10-27-78; OCE 2-1980, f. & ef. 11-5-80; OCE 1-1981, f. & ef. 1-7-81; OCE 3-1981, f. & ef. 8-7-81; OCE 4-1981, f. & ef. 11-2-81; WOSC 2-1982, f. & ef. 9-17-82; WOSC 1-1983, f. & ef. 10-11-83; WOSC 1-1985, f. & ef. 10-4-85; WOSC 1-1986, f. & ef. 10-15-86; WOSC 1-1987, f. 4-1-87, ef. 9-23-87; WOSC 2-1988, f. & cert. ef. 9-19-88; WOSC 1-1989, f. & cert. ef. 4-18-89; WOSC 2-1989, f. 9-5-89, cert. ef. 9-17-89; WOSC 5-1989, f. & cert. ef. 9-7-89; WOSC 1-1990, f. & cert. ef. 4-18-90; WOSC 2-1990, f. & cert. ef. 9-24-90; WOSC 1-1991, f. & cert. ef. 1-30-91; WOSC 2-1991, f. & cert. ef. 3-22-91; WOSC 4-1991, f. & cert. ef. 5-21-91; WOSC 7-1991, f. & cert. ef. 7-22-91; WOSC 2-1992, f. & cert. ef. 6-16-92; WOSC 3-1992, f. & cert. ef. 8-14-92; WOSC 1-1993, f. & cert. ef. 1-15-93; WOSC 2-1993, f. & cert. ef. 6-18-93; WOSC 3-1993, f. & cert. ef. 7-16-93; WOSC 5-1993, f. & cert. ef. 10-21-93; WOSC 1-1994, f. & cert. ef. 8-12-94; WOSC 1-1995, f. & cert. ef. 8-11-95; WOSC 1-1996, f. & cert. ef. 10-16-96; WOSC 1-1997, f. & cert. ef. 2-27-97; WOU 3-1997, f. & cert. ef. 10-7-97; WOU 1-1998, f. & cert. ef. 1-26-98; WOU 2-1998, f. & cert. ef. 7-24-98; WOU 1-1999, f. & cert. ef. 2-25-99; WOU 2-1999, f. & cert. ef. 7-27-99; WOU 1-2000, f. & cert. ef. 3-16-00; WOU 2-2000, f. & cert. ef. 6-28-00; WOU 1-2001, f. & cert. ef. 3-5-01; WOU 2-2001, f. & cert. ef. 7-30-01; WOU 1-2002, f. 3-12-02, cert. ef. 3-15-02; WOU 2-2002, f. 8-2-02, cert. ef. 8-15-02; WOU 3-2002, f. 10-7-02, cert. ef. 10-15-02; WOU 1-2003, f. & cert. ef. 4-2-03; WOU 2-2003, f. & cert. ef. 8-1-03; WOU 1-2004, f. & cert. ef. 3-24-04; WOU 2-2004, f. & cert. ef. 8-4-04; WOU 1-2005, f. & cert. ef. 3-8-05; WOU 2-2005, f. & cert. ef. 8-4-05; WOU 3-2005, f. & cert. ef. 8-12-05; WOU 1-2006, f. & cert. ef. 3-2-06; WOU 2-2006, f. & cert. ef. 8-7-06; WOU 1-2007, f. & cert. ef. 3-5-07; WOU 2-2007, f. & cert. ef. 7-31-07; WOU 4-2007, f. & cert. ef. 11-1-07; WOU 1-2008, f. & cert. ef. 2-1-08; WOU 2-2008, f. & cert. ef. 9-3-08; WOU 1-2009, f. & cert. ef. 2-13-09; WOU 2-2009, f. & cert. ef. 7-29-09; WOU 1-2010, f. & cert. ef. 1-27-10; WOU 2-2010, f. & cert. ef. 8-4-10

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

Rule Caption: Multiple Political Party Designations on General Election Ballot.

Adm. Order No.: ELECT 4-2010

Filed with Sec. of State: 8-4-2010

Certified to be Effective: 8-4-10

Notice Publication Date: 7-1-2010

Rules Adopted: 165-007-0320

Subject: This rule adopts the procedures for candidates who are nominated by multiple political parties to accept those nominations. Additionally, this rule sets forth three character designations that will be used to abbreviate political parties listed on the ballot and the manner in which the political party designations selected by candidates nominated by multiple minor political parties will appear on the ballot opposite the name of the candidate.

Rules Coordinator: Brenda Bayes—(503) 986-1518

165-007-0320

Multiple Political Party Designations

(1) The purpose of this rule is to adopt procedures for candidates appearing on the General Election ballot who are nominated by multiple political parties.

(2) The three character designation of a political party shall be added opposite the name of the candidate. The political party designations are:

(a) Constitution Party — CON.

(b) Democratic Party of Oregon — DEM.

(c) Independent Party of Oregon — IND.

(d) Libertarian Party of Oregon — LBT.

(e) Pacific Green Party — PGP.

(f) Oregon Progressive Party — PRO.

(g) The Oregon Republican Party — REP.

(h) Working Families Party of Oregon — WFP.

(3) Political party designations selected by candidates nominated by multiple minor political parties will appear on the ballot opposite the name of the candidate in the following manner:

(a) For a candidate who is nominated by a political party of which the candidate is a member, that political party designation shall appear first, followed by the political party designations of not more than two minor political parties selected by the candidate arranged in accordance with the random ordering of the alphabet required under ORS 254.155;

(b) For a candidate who is a member of a political party, but who is not nominated by their political party, the political party designations of not more than three minor political parties selected by the candidate shall be arranged in accordance with the random ordering of the alphabet required under ORS 254.155; and

(c) For a candidate not affiliated with a political party who is nominated by an assembly of electors as prescribed in ORS 249.735, or nominated by individual electors as prescribed in 249.740, the three character designation for Nonaffiliated (NAV) shall appear first, followed by the political party designations of not more than three minor political parties selected by the candidate arranged in accordance with the random ordering of the alphabet required under 254.155.

(d) For purposes of the random ordering of the alphabet required under ORS 254.155, the three character designations are what will be ordered.

(4) A key, in alphabetical order, to the three character political party designations shall be printed on each side of the ballot on which a partisan race appears.

(5) A key, in alphabetical order, to the three character political party designations shall be printed on each pair of pages of the state voters' pamphlet in which a partisan candidate statement is printed.

(6) Political party designations selected by candidates nominated by multiple minor political parties as provided in section (3) will appear on the candidate statements printed in the state voters' pamphlet. These designations will not count toward the word limits for candidate statements.

(7) To accept multiple minor political party nominations, a candidate and state party officer completes and signs a Filing of Candidacy for Minor Political Party by Certificate of Nomination (SEL 110) and files it with the appropriate filing officer not later than the 70th day before the General Election as provided for in ORS 249.722.

(8) To withdraw from nomination a candidate must file a Withdrawal of Candidacy or Nomination (SEL 150) not later than the 67th day before the General Election.

(9) If a candidate submits more minor political party nominations than is allowed under ORS 254.135, every effort will be made by the filing officer to contact the candidate to secure a withdrawal to comply with the number of political party designations that may appear opposite a candidate's name. If the filing officer fails to contact the candidate by the 67th day before the General Election, the filing officer may only accept the number of nominations allowed under 254.135 based on the order the nominations were filed with the filing officer.

Stat. Auth.: ORS 246.150

Stats. Implemented: ORS 254.135

Hist.: ELECT 4-2010, f. & cert. ef. 8-4-10

**Teacher Standards and Practices Commission
Chapter 584**

Rule Caption: Clarifies CTE endorsements may be added to CTE II licenses, clarifies civil rights test requirement and updates Fee rule.

Adm. Order No.: TSPC 5-2010(Temp)

Filed with Sec. of State: 8-13-2010

ADMINISTRATIVE RULES

Certified to be Effective: 8-13-10 thru 12-31-10

Notice Publication Date:

Rules Amended: 584-021-0165, 584-023-0005, 584-036-0055, 584-042-0044, 584-060-0162, 584-060-0171, 584-060-0181, 584-060-0182, 584-060-0190, 584-060-0200, 584-060-0210, 584-060-0220, 584-070-0001, 584-070-0111, 584-070-0112, 584-070-0132, 584-070-0310, 584-080-0031, 584-080-0153, 584-080-0161, 584-080-0171

Subject: For details of the proposed rules please visit the TSPC website: http://tspc.oregon.gov/support/news_page.asp

Amend: 584-021-0165 – Verifying Knowledge of Laws Prohibiting Discrimination.

584-023-0005 – Registry of Charter School Teachers and Administrators.

584-036-0055 – Fees.

584-042-0044 – Career and Technical Education Endorsements - Clarifies that CTE endorsements may be added to

CTE II teaching licenses.

584-060-0162 – Restricted Transitional Teaching License.

584-060-0171 – Limited Teaching License.

584-060-0181 – Substitute Teaching License.

584-060-0182 – Restricted Substitute License.

584-060-0190 – Teaching Associate License.

584-060-0200 – American Indian Languages Teaching License.

584-060-0210 – Emergency Teaching License.

584-060-0220 – International Visiting Teacher License.

584-070-0001 – Purpose of Personnel Service Licenses.

584-070-0111 – Transitional School Counselor.

584-070-0112 – Restricted Transitional School Counselor License.

584-070-0132 – Emergency School Counselor License.

584-070-0310 – Limited Student Service License.

584-080-0031 – Distinguished Administrator License.

584-080-0153 – Restricted Transitional Administrator License.

584-080-0161 – Exceptional Administrator License.

584-080-0171 – Emergency Administrator License.

Rules Coordinator: Victoria Chamberlain—(503) 378-6813

584-021-0165

Verifying Knowledge of Laws Prohibiting Discrimination

All new applicants for a school nurse certificate must demonstrate knowledge of civil rights and ethics prior to their first renewal.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430 & 342.455 - 342.495

Hist.: TS 4-1982, f. & ef. 7-22-82; TS 7-1982(Temp), f. & ef. 12-9-82; TS 1-1983, f. & ef. 2-9-83; TS 1-1992, f. & cert. ef. 1-15-92; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-023-0005

Registry of Charter School Teachers and Administrators

(1) No persons shall serve as a teacher or administrator (as defined in ORS 342.120) in a public charter school unless such person either holds a valid Oregon license issued by TSPC pursuant to ORS 338.135 or is registered with TSPC as a charter school teacher or charter school administrator in accordance with ORS 342.125(5).

(2) TSPC shall create a Public Charter School Registry for all non-licensed persons who are employed as teachers or administrators in any charter school.

(3) To obtain a charter school registration, an applicant and the employing charter school shall submit to TSPC, on forms established by the commission, a joint application, which shall include the following documentation:

(a) Description of the specific teaching or administrative position the applicant will fill with the employing charter school;

(b) Fingerprints on forms prescribed by the Oregon State Police and in the manner required by TSPC;

(c) Completed application;

(d) A description of the applicant's post-secondary education and other experience relevant to the teaching or administrator position the applicant is seeking;

(e) A list of any professional licenses held; and

(f) A passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics.

(4) Successful completion of the background checks disclosing no disqualifying materials or information will entitle the registrant to serve as a teacher or administrator as defined in ORS 342.120 in the employing charter school for a period of up to three (3) years or until employment with the employing charter school ceases, whichever occurs first.

(5) The registration is not transferrable and is only valid to teach or administer in the position described in the application to TSPC and only in the charter school that petitions for a charter school registration.

(6) A charter school registration may be renewed for an additional three-year term upon joint application of the registrant and employing charter school on forms established by the Commission and upon the payment of the applicable fee.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.125, 338.135 & 342.120 - 342.430

Hist.: TSPC 5-1999(Temp), f. & cert. ef. 8-24-99 thru 2-19-00; TSPC 7-1999, f. & cert. ef. 10-8-99; TSPC 9-2006, f. & cert. ef. 6-15-06; TSPC 7-2007, f. & cert. ef. 12-14-07; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-036-0055

Fees

(1) All fees are assessed for evaluation of the application and are not refundable.

(2) If the applicant is eligible for the license, registration, or certificate for which application is made and the license, registration or certificate is issued within 90 days of original application, the commission shall issue the license, without additional charge with the following exceptions:

(a) If the commission determines the application is incomplete and fails to notify the applicant in less than one calendar week, the commission will extend the 90 days by an amount equal to the number of days the commission delayed notifying the applicant of incomplete items.

(b) For renewable licenses with a 120 day grace period, the original application fee remains good throughout the 120 days.

(c) If the commission fails to issue the license within 90 days due to commission backlog, the fee shall remain good until the license is issued or 120 days, whichever is less.

(3) The fee for evaluating an initial application:

(a) Initial I License (3 years): \$100;

(b) Initial I Teaching License (18 months): \$50;

(c) Initial II Teaching License (3 years): \$100;

(d) Basic License (3 years): \$100;

(e) Continuing License (5 years): \$100;

(f) Standard License (5 years): \$100;

(g) Restricted Transitional License (1 year or 3 years): \$100;

(h) Limited License (3 years): \$100;

(i) American Indian Language License (3 years): \$100;

(j) Substitute License (3 years): \$100;

(k) Restricted Substitute License (3 years, 60 days per year): \$100;

(l) Exceptional Administrator License (3 years): \$100;

(m) Career and Technical Education I or II Teaching License (3 years): \$100;

(n) Five-Year Career and Technical Education License (5 years): \$100;

(o) NCLB Alternative Route License (3 years): \$100;

(p) Emergency License (term at discretion of Executive Director): \$100;

(q) School Nurse Certification (3 years): \$100;

(r) International Visiting Teaching License (1 year) \$100;

(s) License for Conditional Assignment (1 to 3 years) \$100;

(t) Initial Administrator License \$100;

(u) Initial School Psychologist License \$100.

(4) The fee for evaluating all applications for a first Oregon license based on completion of an out-of-state educator preparation program or an out of state license is \$120 regardless of the license issued.

(5) The fee for registration of a charter school teacher or administrator is \$75 which includes the fee for required criminal records and fingerprinting costs.

(6) The fee for evaluating an application for renewal of any license or certification is \$100 except as follows:

(a) Renewal of a one-year Restricted Transitional Teaching License is \$25;

(b) Renewal of a charter school registration is \$25;

(c) Renewal of an International Visiting Teacher License is \$25.

(d) Renewal of Career and Technical Education I Teaching License is \$25.

(7) The fee for each of the following circumstances is \$20:

(a) A duplicate license, registration, or certificate for any reason;

(b) An approved extension to a provisional license; and

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(c) Adding a district to an existing restricted license requiring a co-applicant school district.

(8) The fee for evaluating an application to add one or more endorsements or authorization levels to a currently valid license is \$100. No additional fee is required to add an endorsement or authorization in conjunction with an application for renewal or reinstatement of a license.

(9) The fee to evaluate an application for reinstatement of an expired license or certificate is \$100 plus a late application fee of \$25 for each month or portion of a month that the license or certificate has been expired to a maximum of \$200 total.

(a) The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license, registration or school nurse certification.

(b) Late fees may only be imposed one time following the expiration of a license or school nurse certificate. If the applicant does not initially qualify for the license or certificate the applicant is seeking to reinstate, no additional late fees will be imposed upon application for subsequent licensures so long as the applicant has a current active license, registration or certification in effect at the time of application.

(10) The fee for evaluating an application for reinstatement of a suspended license or certificate is \$100 in addition to the \$100 application fee for a total of \$200. The fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license or certificate.

(11) The fee for evaluating an application for reinstatement of a suspended charter school registration is \$50 and does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired registration.

(12) In addition to the application fees required by this rule, the Commission shall collect a late application fee not to exceed \$25 per month up to a maximum of \$125 from an applicant who fails to make timely application for renewal of the license, certificate or registration.

(13) The fee for evaluating an application for reinstatement of a revoked license or certificate is \$150 in addition to the \$100 application fee for a total of \$250. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired license, or school nurse certificate.

(14) The fee for evaluating an application for reinstatement of a revoked charter school registration is \$150 in addition to the \$25 application fee for a total of \$175. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration.

(15) Forfeiture for a check which the applicant's bank will not honor is \$25, unrelated to any evaluation fees. The total amount due shall be paid in cash, credit, or Money Order at the Commission's office.

(16) The fee for evaluating licensure applications submitted on behalf of teachers participating in exchange programs or on Congressional appointment from foreign countries is \$100.

(17) The fee for alternative assessment in lieu of the test for licensure endorsement is \$100.

(18) The fee for expedited service for an emergency or other license, registration or certificate is \$99 plus the fee for the license registration or certificate application as defined in this administrative rule.

(19) The fee to evaluate an application for reinstatement of an expired charter school registration is \$25 plus a late application fee of \$25 for each month or portion of a month that the registration has been expired to a maximum of \$125 total. The reinstatement fee does not include any separate fingerprint fee that may be required if more than three years has elapsed from the date of the expired charter school registration.

(20) The fee for a criminal records check including fingerprinting is \$62.

(21) The fee for a "highly qualified teacher" evaluation is \$50.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TS 15, f. 12-20-76, ef. 1-1-77; TS 17, f. 12-19-77, ef. 1-1-78; TS 2-1979, f. 8-21-79, ef. 1-1-80; TS 1-1982, f. & ef. 1-5-82; TS 3-1983, f. & ef. 5-16-83; TS 4-1983, f. 5-17-83, ef. 7-1-83; TS 6-1984, f. 12-27-84, ef. 1-15-85; TS 4-1985, f. 10-4-85, ef. 1-1-86; TS 7-1986, f. 10-15-86, ef. 1-15-87; TS 5-1988, f. 10-6-88, cert. ef. 1-15-89; TS 7-1989, f. & cert. ef. 12-13-89; TS 1-1992, f. & cert. ef. 1-15-92; TS 4-1994, f. 7-19-94, cert. ef. 10-15-94; TS 5-1994, f. 9-29-95, cert. ef. 10-15-94; TS 4-1997, f. 9-25-97, cert. ef. 10-4-97; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2000, f. & cert. ef. 5-15-00; TSPC 1-2003, f. & cert. ef. 1-13-03; TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 6-2005(Temp), f. & cert. ef. 8-16-05 thru 1-30-06; TSPC 9-2005, f. & cert. ef. 11-15-05; TSPC 11-2005(Temp), f. 11-18-05, cert. ef. 1-1-06 thru 6-29-06; TSPC 5-2006, f. & cert. ef. 2-10-06; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2008, f. & cert. ef. 6-13-08; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 1-2009(Temp), f. & cert. ef. 2-27-09 thru 8-25-09; Administrative correction 9-29-09; TSPC 4-2009, f. & cert. ef. 9-22-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-042-0044

Career and Technical Education Endorsements

(1) Career and Technical Education (CTE) Endorsements are subject-matter endorsements in the career and technical fields.

(2) Only the Basic, Standard, Initial, Continuing or CTE II Teaching Licenses are eligible to hold any CTE endorsement. A CTE I Teaching License may only hold a single CTE endorsement.

(3) Endorsements indicate the scope of the subject-matter that may be taught on the license which holds the endorsement. Specific courses allowed within the scope of each endorsement are identified by TSPC and published on the TSPC web site. Endorsements include the following:

(a) Endorsements in the Agriculture, Food and Natural Resource Systems area include:

- (A) Agriculture Science and Technology;
- (B) Natural Resources Management; and
- (C) Environmental Services.

(b) Endorsements in the Arts, Information and Communications area include:

- (A) Publishing and Broadcasting;
- (B) Information and Communications Technology; and
- (C) Visual, Performing and Media Arts.

(c) Endorsements in the Business and Management area include:

- (A) Business Management and Administration;
- (B) Finance;
- (C) Hospitality and Tourism;
- (D) Information and Communications Technology; and
- (E) Marketing.

(d) Endorsements in the Health Sciences area include: Health Sciences.

(e) Endorsements in the Human Resource Systems area include:

- (A) Education and Related Fields;
- (B) Hospitality and Tourism;
- (C) Human Services; and
- (D) Public Services.

(f) Endorsements in the Industrial and Engineering Systems area include:

- (A) Construction Technology;
- (B) Engineering Technology;
- (C) Information and Communications Technology;
- (D) Transportation Technology; and
- (E) Manufacturing Technology.

(4) Applicants for the CTE I Teaching License may be limited with regard to the courses they may teach in the first three years of licensure. The IAC will determine whether the applicant is fully prepared to teach all courses with the endorsement area in which the applicant seeks licensure.

(5) All CTE II Teaching License holders are eligible to teach within the full scope of the CTE endorsement.

(6) Adding a CTE Endorsement with Work Experience. Holders of Basic, Standard, Initial, Continuing or CTE II teaching licenses who meet all of the ODE-approved work experience requirements for a CTE II Teaching License may be eligible to add CTE endorsements onto their underlying teaching license. The endorsement shall be valid for the same amount of time as the underlying license. Only ODE may approve work experience under this subsection.

(7) Holders of Basic, Standard, Initial, Continuing or CTE II teaching licenses who do not meet the work experience requirements to add a CTE endorsement must apply for a CTE I Teaching License in that endorsement area. Upon verification of the work experience requirements in an application to TSPC, the endorsement may be added to the holder's Basic, Standard, Initial, Continuing Teaching or CTE II License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 2-2010(Temp), f. & cert. ef. 3-5-10 thru 8-31-10; TSPC 4-2010, f. & cert. ef. 7-15-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-060-0162

Restricted Transitional Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Restricted Transitional Teaching License.

(2) This license is issued jointly to an applicant and a district for up to three years and is not renewable.

(3) This license is valid for teaching with the requesting employer only at the designated grade levels and subject-matter endorsement areas specifically requested by the employer. This license may not be transferred

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to another employer without a specific request from the new district along with a duplicate license application to issue the new license.

(4) To be eligible for a Restricted Transitional Teaching License, the applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a bachelor's degree or higher from a regionally accredited institution or approved foreign equivalent. A master's degree or a doctoral degree from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure;

(c) Obtain a passing score on a commission-approved test of knowledge on U.S. and Oregon Civil Rights and ethics.

(d) Show substantial preparation in the subject-matter area in which licensure is requested;

(e) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See OAR 584-036-0062 for Criminal Records Check Requirement); and

(f) Submit a letter from the employing district describing the particular need in relation to the applicant's teacher qualifications. The district must agree to provide a mentor and identify that mentor in the letter of application. The district must attest that circumstances prevent hiring a suitable teacher holding an unrestricted full-time license appropriate for the assignment to be filled.

(g) Submit a resume, and any other evidence required by the Commission as proof of substantial completion of academic preparation or substantial work experience in the area in which the co-applicant educator is seeking licensure.

(5) Restricted Transitional Teaching Licenses will be issued for one year at a time for a maximum of three years total subject to special renewal conditions:

(a) First Renewal: The applicant must submit:

(A) A C-1 application and renewal fees;

(B) A letter of support from the co-applicant district; and

(C) Proof of admission and enrollment or proof of pending enrollment into a program for licensure in the area in which the applicant is teaching.

(b) Second Renewal: The applicant must submit:

(A) A C-1 application and renewal fees;

(B) A letter of support from the co-applicant district; and

(C) Significant proof of progress toward completion of their Initial I Teaching License requirements.

(c) Renewal under these conditions is not subject to the 120-day grace period and must be submitted sufficiently in advance of the license expiration date to ensure continuity of licensure. Failure to submit a timely application is grounds for denial of a renewal pursuant to this subsection and may be grounds for discipline under OAR 584-020-0040.

(d) The Executive Director may deny renewal of the license upon failure to show progress in the licensure program needed for the next stage license.

(6) Upon expiration of the Restricted Transitional Teaching License, recipients of this license must meet all the requirements of the Initial I Teaching License for which they may apply at any time or qualify for an Emergency Teaching License under the provisions provided below.

(7) Emergency Teaching License: When the Executive Director determines that extenuating circumstances have prevented the applicant from completing requirements for the Initial I Teaching License, within three years, an extension for up to one year may be issued upon joint application from an educator and the employing district. The applicant must complete a C-1 and fees for an Emergency Teaching and provide an explanation of the circumstances which make the request necessary. The co-applicant district must ensure that the applicant will meet all requirements for the Initial I Teaching License upon expiration of the Emergency Teaching License issued pursuant to this section.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 6-2004, f. & cert. ef. 8-25-04; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 8-2008, f. & cert. ef. 11-13-08; TSPC 7-2009, f. 12-15-09, cert. ef. 1-1-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-060-0171

Limited Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Limited Teaching License.

(2) This license, issued for three years and renewable, is valid at any level and designated for one or more highly specialized subjects of instruction

for which the commission does not issue a specific endorsement. The Executive Director has the authority to grant a Limited Teaching License for an exception to some discreet subjects within an established endorsement upon a showing of district need. Requests for exceptions to established endorsements may be submitted to the commission for approval at the Executive Director's discretion.

(3) This license is valid for substitute teaching at any level but only in subjects listed on the license.

(4) To be eligible for a Limited Teaching License the applicant must have:

(a) Transcripts documenting an accredited associate's degree or its approved equivalent in objectively evaluated post-secondary education related to the intended subject of instruction,

(b) Obtain a passing score on a commission-approved test of knowledge on U.S. and Oregon Civil Rights and ethics; and

(c) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.

(5) The Limited Teaching License is restricted to use within a district that has applied for it jointly with the teacher, whose qualifications and job description are subject to commission approval.

(6) Upon application, the co-applicant district must describe its particular need in relation to the co-applicant teacher's documented qualifications, agree to provide a mentor up to the first renewal of the license, and attest that circumstances prevent hiring a suitable teacher holding any other full-time license appropriate for the role to be filled.

(7) To be eligible for renewal of the Limited Teaching License, an applicant must:

(a) Provide a statement from the district attesting that the teacher's assignment is exactly the same as originally requested; and

(b) Establish, maintain and report a professional development plan in accordance with OAR 584-090-0020.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 6-2003(Temp), f. & cert. ef. 11-13-03 thru 5-9-04; TSPC 3-2004, f. & cert. ef. 5-14-04; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Administrative correction 11-19-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-060-0181

Substitute Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Substitute Teaching License. This license, issued for three years and renewable, is valid at any level in any specialty to substitute for a teacher who is temporarily unable to work.

(2) To be eligible for a Substitute Teaching License, the applicant must:

(a) Have a bachelor's degree or higher from a regionally accredited institution or an approved foreign equivalent related to teaching at one or more levels. Awarding of a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure.

(b) Notwithstanding OAR 584-017-0201, hold an unrestricted license for full-time teaching in any state or submit proof of completion of an approved teacher education program in any state.

(c) Obtain a passing score on a commission-approved test of knowledge on U.S. and Oregon Civil Rights and ethics;

(d) Furnish fingerprints in the manner prescribed by the commission if the applicant has not been fingerprinted or has not held an active license issued by the commission in the past three years; and

(3) The holder of a Substitute Teaching License may not continuously replace an individual teacher absent for more than three consecutive months without obtaining a full-time license. If the educator is only lacking recency to qualify for the full-time license, the educator must complete coursework to qualify for the long-term placement.

(4) To be eligible for renewal of the Substitute Teaching License an applicant must: Show evidence of having obtained a passing score as currently specified by the commission on a test of basic verbal and computational skills, unless the applicant held an Oregon educator license before 1985 or has a regionally accredited master's degree;

(5) A district and co-applicant educator may apply for an Emergency Teaching License for the holder of a Substitute Teaching License if the district is unable to obtain a regularly licensed teacher for any position lasting

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more than three consecutive months. The Emergency Teaching License will allow the educator to teach for time beyond the allowed timelines stated in subsection (3) above. The Executive Director may approve the Emergency Teaching License upon proof of the district's emergency.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 5-2004, f. & cert. ef. 8-25-04; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-060-0182

Restricted Substitute License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant and a co-applying district may be granted a Restricted Substitute Teaching License.

(a) This license, issued for three years and renewable, is valid to substitute for a total of 60 days a school year (September through June) at any level in any specialty to replace a teacher who is temporarily unable to work.

(b) The 60 days a year limit applies regardless if the holder of the license substitutes in multiple districts as may be the case if an applicant and an ESD hold the license.

(c) Districts who did not co-apply with the applicant may request permission to add the substitute to their district upon filing an additional application and fee.

(d) An assignment on this license may not exceed 10 days consecutively under any circumstances.

(2) To be eligible for a Restricted Substitute Teaching License, the applicant must:

(a) Hold a bachelor's degree or higher from a regionally accredited institution or an approved foreign equivalent related to teaching at one or more levels;

(b) Awarding of a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure;

(c) Furnish fingerprints in the manner prescribed by the commission if the applicant has not been fingerprinted or has not held an active license issued by the commission in the past three years;

(d) Provide a letter from the co-applicant district stating the reasons for the license; and

(e) Obtain a passing score on a commission-approved test of knowledge on U.S. and Oregon civil rights and ethics.

(3) To be eligible for renewal of the Restricted Substitute Teaching License an applicant must:

(a) Submit letter from district requesting renewal; and

(b) Obtain a passing score as currently specified by the commission on a test of basic verbal and computational skills, unless the applicant has a master's degree.

(4) A district and co-applicant educator may apply for an Emergency Teaching License for the holder of a Restricted Substitute Teaching License if the district is unable to obtain a regularly licensed teacher for any position lasting more than three consecutive months. The Emergency Teaching License will allow the educator to teach for time beyond the allowed timelines stated in subsections (1) above. The Executive Director may approve the Emergency Teaching License upon proof of the district's emergency.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-060-0190

Teaching Associate License

Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Teaching Associate License. This license, issued for two years and not renewable, is valid for regular teaching at one or more designated levels in one or more designated specialties but not for substitute teaching.

(1) The Teaching Associate License is issued only to an experienced teaching assistant engaged in an intensive professional development program for teaching assistants approved by the commission under institutional standards found in OAR 584-017.

(2) The Teaching Associate License is restricted to use within a district that has applied for it jointly with the teacher.

(3) To be eligible for a Teaching Associate License, an applicant must satisfy the following requirements:

(a) Be enrolled in a specified institutional program of undergraduate education and professional teacher preparation approved by the commission and have completed 75% of the program required to qualify for assignment as a full-time intern.

(b) Successfully complete one year as a full-time intern in an approved program under the supervision of a school-based supervisor and unit supervisor.

(c) Obtain a passing score on a commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics approved by the commission.

(d) Have three academic years of half-time or more experience as a teaching assistant assigned primarily to direct instruction and related support.

(e) Furnish fingerprints in the manner prescribed by the commission.

(4) The unit and school district will provide supervision for the individual holding a Teaching Associate License. The unit and the district will provide a mentor for the teaching associate. The mentor will be designated the teacher of record.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 2-2001(Temp), f. & cert. ef. 1-17-01 thru 7-15-01; TSPC 3-2001, f. & cert. ef. 6-21-01; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-060-0200

American Indian Languages Teaching License

(1) Upon filing a correct and complete application in form and matter prescribed by the Commission, an applicant may be granted an American Indian Teaching License for one or more American Indian languages. The license shall be valid for three years and may be renewed upon application from the holder of the license.

(2) The initial application shall be a joint application from the prospective teacher and the tribe whose language will be taught. The tribe must certify that the applicant is qualified to teach the language of the tribe.

(3) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and ethics.

(4) A holder of an American Indian languages teaching license who does not also have a teaching license or registration issued under ORS 342.125 may not teach any subject other than the American Indian language they are approved to teach by the sponsoring tribe.

(5) All first American Indian Language Teaching Licenses issued after September 1, 2009 may be renewed upon obtaining a passing score on a commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics.

[Publications: Publications referenced are available from the agency]

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.144 - 342.430 & 342.144

Hist.: TSPC 5-2002, f. & cert. ef. 8-9-02; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-060-0210

Emergency Teaching License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant and a co-applicant district may be granted an Emergency Teaching License. An Emergency Teaching License may be issued when a school district demonstrates extenuating circumstances that merit the issuance of the license in order to protect the district's programs or students.

(2) The Emergency Teaching License shall be issued solely at the discretion of the Executive Director for any length of time deemed necessary to protect the district's programs or students. In most cases, an Emergency Teaching License will not exceed one year unless the educator or the district has presented unusual extenuating circumstances. The Executive Director may consider efforts the educator has made in meeting licensure requirements. Additionally, the Executive Director will consider academic preparation or experience the proposed educator has had in the area in which the district is requesting the license.

(3) To be eligible for the Emergency Teaching License an applicant and co-applicant district must provide the following:

(a) C-1 application and fee;

(b) Furnish fingerprints in the manner prescribed by the commission if the applicant has not been fingerprinted or has not held an active license issued by the commission in the past three years;

(c) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and ethics;

(d) Submit a C-3 form from the district and a letter detailing the extenuating circumstances constituting the emergency and the applicant's

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unique skills qualifying her or him for the license. An applicant may be asked to provide a resume, transcripts or other evidence of qualifications if requested by the Executive Director; and

(e) A request for the least amount of time necessary to meet the Emergency needs of the district.

(4) The Emergency Teaching License is not subject to the 120 day grace period allowed for licensure renewal purposes under ORS 342.127.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 3-2003, f. & cert. ef. 5-15-03; TSPC 8-2004(Temp), f. & cert. ef. 9-10-04 thru 3-9-05 (Suspended by TSPC 9-2004(Temp), f. & cert. ef. 9-5-04 thru 3-9-05); TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 2-2009, f. & cert. ef. 3-12-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-060-0220

International Visiting Teacher License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified and eligible applicant may be granted an International Visiting Teacher License. The intent of this license is to provide up to a three-year cultural exchange of teachers and teaching strategies between Oregon and a participating country other than the United States.

(2) This license is issued for one year and is renewable up to two times.

(3) This license is valid for substitute teaching only at the grade authorization levels and subject-matter endorsement areas listed on the license.

(4) The International Visiting Teacher License is restricted to use within the district that has applied for it jointly with the teacher and is valid for teaching with the requesting employer only at the designated grade authorization levels and subject-matter endorsement areas requested by the employer and listed on the license. If the license is endorsed in a core academic area, the licensee may be considered to be "highly qualified" pursuant to federal law.

(5) To be eligible for the International Visiting Teacher License, the applicant must co-apply with the requesting district and submit the following materials as part of the application packet:

(a) A letter from the co-applying district specifying the grade levels and subject-matter endorsement areas in which the district would like the applicant to teach and a brief description of the plan for supervision and mentoring the district has in place including the name of the mentor assigned to the applicant once licensed;

(b) Transcript evaluation or some other convincing evidence that the applicant holds the equivalent of a U.S. baccalaureate or higher degree and proof that the applicant has completed a professional teacher preparation program in their country. The transcript and other evidence submitted will be evaluated for subject-matter competency in the subject-area in which the license is being requested;

(c) A copy of all professional teaching credentials held by the applicant;

(d)(A) Evidence that the applicant has completed the equivalent of three full years, (not less than 27 months) of teaching experience; or

(B) Proof of participation in the Cultural Exchange Program in a J-1 Visa status monitored by the Oregon Department of Education. Proof of participation must include verification from the Oregon Department of Education;

(e) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and ethics; and

(f) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(6) To be eligible for a one-year renewal of the International Visiting Teaching License, an applicant must:

(a) Submit an application packet for renewal;

(b) A PEER form verifying the applicant's assignment;

(c) A passing score on a test of knowledge of U.S. and Oregon civil rights laws and professional ethics as approved by the Commission; and

(d) Submit a letter from the co-applying school district attesting to the following:

(A) That the teacher's assignment will remain within the scope of grades and subjects on the license;

(B) The plan for supervision and mentoring remains in place and update the name of the mentor if appropriate.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-070-0001

Purpose of Personnel Service Licenses

These rules establish a licensure requirements for school counselors, school psychologists, school social workers and other related licenses to accomplish objectives for guidance, counseling and education support services in Oregon schools. Licensure programs under this Division have the following characteristics:

(1) The programs are designed to recognize the developmental levels of students.

(2) Continuing professional development is an integral part of the licensure renewal program.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 143.430

Hist.: TSPC 2-1998, f. 2-4-98, cert. ef. 1-15-99; TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-070-0111

Transitional School Counselor License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Transitional School Counselor License.

(2)(a) The Transitional School Counselor License is issued for one year and is non-renewable except under extenuating circumstances described below in subsection 6 of this rule.

(b) The educator must qualify for an Initial II School Counselor License upon expiration of six (6) years following the date the first Initial or Transitional School Counselor License was issued

(c) All School Counselor Licenses issued after June 30, 2005 must qualify for an Initial II School Counselor License upon the expiration of six (6) years following the date the first Initial or Transitional School Counselor License was issued.

(3) The Transitional School Counselor License is valid for regular or substitute school counseling at all age or grade levels. Applicants who wish to counsel more than three years will be advised on how they can qualify for the Initial I or the Initial II School Counselor License, for which they may apply at any time.

(4) To be eligible for a Transitional School Counselor License, the applicant must have:

(a)(A) A master's or higher degree in counseling, education, or related behavioral sciences, including but not limited to social work or psychology, from a regionally accredited institution or an approved foreign equivalent; a master's degree or higher from a regionally accredited institution validates a non-regionally accredited bachelor's degree.

(B) Have held an unrestricted school counseling license in any state; and

(b) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(5) The Transitional School Counselor License will not be restricted as to employer if the applicant has held an unrestricted license for school counseling in any state.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 3-2001, f. & cert. ef. 6-21-01; TSPC 5-2001, f. & cert. ef. 12-13-01; TSPC 6-2002, f. & cert. ef. 10-23-02; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 3-2010, f. & cert. ef. 4-2-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-070-0112

Restricted Transitional School Counselor License

(1) Upon filing a correct and complete application with a co-applicant district in form and manner prescribed by the commission, a qualified applicant may be granted a Restricted Transitional School Counselor License.

(2) The Restricted Transitional School Counselor is issued for three years and is non-renewable.

(3) The Restricted Transitional School Counselor License will be restricted for use within a district that has applied for it jointly with the counselor and may not be used for substitute teaching unless the educator also holds another license valid for substitute teaching issued by the commission.

(4) To be eligible for a Restricted Transitional School Counselor License, the applicant must have all of the following:

(a) An application that includes the following:

(A) A joint request by an employing district; and

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(B) The applicant counselor's qualifications summarized on a submitted resume; and

(C) A statement from the district describing the circumstances that prevent hiring a school counselor with an unrestricted license for the position being filled; and

(b) A bachelor's or higher degree from a regionally accredited institution or approved foreign equivalent;

(c) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and ethics;

(d) Furnished fingerprints and passed a background check in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.); and

(e) One of the following:

(A) Be enrolled in a school counselor program approved for school counseling licensure by any state and have completed approximately one-half of the program; or

(B) Has been a full-time certified Child Development Specialist (CDS) for at least three academic years; or

(C) Has a master's degree in a counseling-related field.

(5) The Restricted Transitional School Counselor License is not transferable to another district. However, another district may co-apply for a Restricted Transitional School Counselor License for any time remaining in the three years from the date the first Restricted Transitional School Counselor License was issued. A C-1 application and full fee must accompany the request.

(6)(a) Upon filing an application and fee in the form and manner required by the commission; a restricted extension to the Restricted Transitional School Counselor License may be issued for up to one year.

(b) To be eligible for the restricted extension the following must be filed:

(A) A joint application between the educator and the employing school district;

(B) A description of the extenuating circumstances that have prevented the educator from completing the requirements for the Initial I or Initial II School Counselor License within the life of the Restricted Transitional School Counselor License; and

(C) A description of the steps the district will take to ensure the applicant will qualify for the Initial I or Initial II School Counselor License upon expiration of the restricted extension to the Restricted Transitional School Counselor License.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-070-0132

Emergency School Counselor License

(1) An Emergency School Counselor License may be issued when a school district demonstrates extenuating circumstances that merit the issuance of the license in order to protect the district's programs or students.

(2) The Emergency School Counselor License shall be issued solely at the discretion of the Executive Director for any length of time deemed necessary to protect the district's programs or students. The Executive Director will consider the following:

(a) Efforts the educator has made in meeting school counselor licensure requirements;

(b) Whether educator has had any academic preparation or experience in the area of counseling; and

(c) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and ethics;

(3) An Emergency School Counselor License generally will not exceed one year unless the educator or the district has presented unusual extenuating circumstances.

(4) The Emergency School Counselor License is not subject to the 120 days allowed for licensure renewal purposes under ORS 342.127.

Stat. Auth.: ORS 342.125

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 7-2005, f. & cert. ef. 8-24-05; TSPC 2-2008, f. & cert. ef. 4-15-08; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-070-0310

Limited Student Service License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Limited Student Service License. This license, issued for three years and

renewable, is valid at any authorization level and designated for a specialized type of direct service to students for which the commission at its discretion may not require a counselor or psychologist license. It is not valid for substitution of any kind.

(2) To be eligible for a Limited Student Service License the applicant must:

(a) Have a bachelor's degree or higher from a regionally accredited institution in the United States, or the foreign equivalent of such degree approved by the commission, together with an equally valid master's degree or other specialized preparation related to the intended service role and ordinarily equivalent to one academic year of graduate study. Awarding of a higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution in the United States validates a non-regionally accredited bachelor's degree for licensure.

(b) Obtain a passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights and ethics; and

(c) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See also, OAR 584-036-0062 for Criminal Records Check Requirement.)

(3) The Limited Student Service License is restricted to use within a district that has applied for it jointly with the applicant, whose qualifications and job description are subject to commission approval. Upon application, the co-applicant district must describe its particular need in relation to the co-applicant specialist's qualifications summarized on a submitted resume, agree to provide a mentor during the first year of the assignment, and attest that the role to be filled has been structured so as not to require a licensed school counselor or psychologist.

(4) The holder of a Limited Student Service License shall use only the title specifically approved by the commission and shall not use any unapproved title or imply any unapproved function. Titles such as "advisor" or "student service specialist" or "student assistance specialist" will more readily be approved. The following provisos apply:

(a) No holder of a limited license shall use a title containing words derived from "psychology" nor claim to be a psychologist or to render psychological services without obtaining a school psychologist license from the commission unless licensed as a psychologist or psychologist associate by the Board of Psychologist Examiners. Under ORS 675.990(1)(b), a violation of this subsection is a Class A misdemeanor.

(b) The commission at its discretion may consider a title indicating a therapeutic student service role like counseling or social work, for a specialist who has a corresponding master's or doctor's degree, if the applicant is licensed by the Board of Licensed Professional Counselors and Therapists or is demonstrably prevented from gaining admission to a graduate program in school counseling or school psychology and therefore cannot reasonably be required to apply for a non-renewable transitional license.

(c) The commission will ordinarily approve an appropriate social work title for an applicant licensed by the Board of Clinical Social Workers.

(5) To be eligible for renewal of the Limited Student Service License, an applicant must obtain a passing score as currently specified by the commission on a test of basic verbal and computational skills, unless the applicant held an Oregon educator license before 1985 or has a regionally accredited doctor's degree. The applicant must also obtain a passing score on a commission-adopted test of knowledge of U.S. and Oregon civil rights laws and professional ethics.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 9-1999, f. & cert. ef. 11-22-99; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Administrative correction 11-19-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-080-0031

Distinguished Administrator License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, a qualified applicant may be granted a Distinguished Administrator License.

(2) The Distinguished Administrator License is issued for five years and is renewable repeatedly under conditions specified below.

(3) The Distinguished Administrator License is voluntary and is valid for school administration at all age or grade levels in any position and for substitute teaching at any level in any specialty.

(4) To be eligible for a Distinguished Administrator License, an applicant must have:

(a) Completed, beyond the advanced administrator program specified in OAR 584-080-0022 an advanced education leadership or school admin-

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istration program consisting of at least 12 semester hours or 18 quarter hours of graduate credit or the equivalent; or in the alternative, hold a regionally accredited doctor's degree in school administration or educational leadership.

(A) Completion of the advanced program must be verified by the institution offering the program or through official transcripts.

(B) Doctorates in programs other than school administration or educational leadership do not qualify for this license.

(b) Three years of half time or more experience on a transitional, initial, continuing, or out-of-state administrative license valid for the assignment functioning as a superintendent in a public school district, education service district, or regionally accredited private school system; and

(c) Have obtained a passing score on a commission-adopted test of knowledge on U.S. and Oregon civil rights and ethics.

(5) The Distinguished Administrator License may be renewed for five years upon completion of continuing professional development pursuant to OAR 584-90.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 4-1999, f. & cert. ef. 8-2-99; TSPC 4-2001, f. & cert. ef. 9-21-01; TSPC 10-2006(Temp), f. 6-15-06, cert. ef. 7-1-06 thru 12-27-06; TSPC 13-2006, f. & cert. ef. 11-22-06; TSPC 8-2008, f. & cert. ef. 11-13-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; TSPC 5-2009, f. & cert. ef. 10-5-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-080-0153

Restricted Transitional Administrator License

(1) Upon filing a correct and complete joint application with a co-applicant employing school district in form and manner prescribed by the commission, a qualified applicant may be granted a Restricted Transitional Administrator License.

(2) The Restricted Transitional Administrator License is valid for regular or substitute administration at all age or grade levels and is restricted to the district from which the co-application is received.

(3) The Restricted Transitional Administrator License is not valid for substitute teaching at any level in any specialty.

(4) The Restricted Transitional Administrator License is only valid for up to three years and is not renewable. Upon expiration of the license, the educator must qualify for the Initial Administrator License.

(5) To be eligible for a Restricted Transitional Administrator License, the applicant must have all of the following:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a master's degree or higher from a regionally-accredited institution or approved foreign equivalent;

(c) Obtain a passing score on a commission-adopted test of knowledge on U.S. and Oregon civil rights and ethics;

(d) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See OAR 584-036-0062 for Criminal Records Check Requirement); and

(e) Submit a letter from the employing district describing the particular need in relation to the applicant's administrator qualifications. The district must agree to provide a mentor and identify that mentor in the letter of application. The district must attest that circumstances prevent hiring a suitable administrator holding an unrestricted full-time license appropriate for the assignment to be filled.

(f) Submit a resume, and any other evidence required by the Commission as proof of substantial completion of academic preparation or substantial administrative work experience.

(6) Restricted Transitional Administrator Licenses will be issued for one year at a time for a maximum of three years total subject to special renewal conditions:

(a) First Renewal: The applicant must submit:

(A) A C-1 application and renewal fees;

(B) A letter of support from the co-applicant district; and

(C) Proof of admission and enrollment or proof of pending enrollment into a program for administrative licensure.

(b) Second Renewal: The applicant must submit:

(A) A C-1 application and renewal fees;

(B) A letter of support from the co-applicant district; and

(C) Significant proof of progress toward completion of their Initial Administrator License requirements.

(c) Renewal under these conditions is not subject to the 120-day grace period and must be submitted sufficiently in advance of the license expiration date to ensure continuity of licensure. Failure to submit a timely appli-

cation is grounds for denial of a renewal pursuant to this subsection and may be grounds for discipline under OAR 584-020-0040.

(d) The Executive Director may deny renewal of the license upon failure to show progress in the licensure program needed for the next stage license.

(7) Upon expiration of the Restricted Transitional Administrator License, recipients of this license must meet all the requirements of the Initial Administrator License for which they may apply at any time or qualify for an Emergency Administrator License under the provisions provided below.

(8) Emergency Administrator License: Upon filing an application and fee in the form and manner required by the commission; an Emergency Administrator License may be issued for up to one year upon joint application from an educator and the employing district when the Executive Director determines that extenuating circumstances have prevented the applicant from completing requirements for an Initial or Continuing Administrator License.

(a) If the extenuating circumstances are due to the lack of due diligence in completing licensure requirements by the applicant, only enough time to prevent the district from experiencing a true hardship may be granted at the Executive Director's discretion.

(b) The applicant must provide an explanation of the circumstances which make the request necessary. The co-applicant district must ensure that the applicant will meet all requirements for the regular license upon expiration of the Emergency Administrator License.

(9) An applicant may be eligible for an extension up to one year of the Restricted Transitional Administrator License, upon joint application with the same or another co-applicant district, if the applicant has completed all the requirements for the Initial Administrator License except for the experience described in OAR 584-080-0012.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 3-2010, f. & cert. ef. 4-2-10; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-080-0161

Exceptional Administrator License

(1) Upon filing a correct and complete application in form and manner prescribed by the commission, an unconventionally qualified applicant may be granted an Exceptional Administrator License at the sole discretion of the commission as permitted under ORS 342.200.

(2) The Exceptional Administrator License is issued for three years and renewable under conditions that the Executive Director may specify, is valid only for a designated position with a job description approved by the Executive Director.

(3) To be eligible for an Exceptional Administrator License the applicant must:

(a) Possess the personal qualifications for licensure including attainment of at least eighteen years of age and possessing good moral character and mental and physical health necessary for employment as an educator;

(b) Hold a master's or higher degree in the arts and sciences or an advanced degree in the professions from a regionally accredited institution or approved foreign equivalent;

(c) Demonstrate extraordinary professional experience that compensates for lack of experience in prekindergarten-12 schools;

(d) Obtain a passing score on a commission-adopted test of knowledge on U.S. and Oregon civil rights and ethics; and

(e) Furnish fingerprints in the manner prescribed by the commission and provide satisfactory responses to the character questions contained in the commission's licensure application. (See OAR 584-036-0062 for Criminal Records Check Requirement.)

(4) Experience that included supervising teachers or working directly with students in some educational setting shall be required as a qualification for any Exceptional Administrator License to be used for supervising teachers or working directly with students in Oregon schools.

(5) The Exceptional Administrator License will be restricted to use in a district that has applied for it jointly with the administrator.

(a) Upon application, the co-applicant district must describe its particular need in relation to the co-applicant administrator's qualifications summarized on a submitted resume; and

(b) The district must attest that no suitable candidate with any unrestricted administrator license is comparably qualified and available for the role to be filled.

(6) The Exceptional Administrator License may be renewed the first time upon demonstration of a passing score on the test of professional

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administrator knowledge approved by the Commission for the Continuing Administrator License; and

(7) After the first renewal, the Exceptional Administrator License may be continuously renewed upon completing continuing professional development requirements in accordance with OAR 584-090.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 3-1999, f. & cert. ef. 7-15-99; TSPC 2-2007, f. & cert. ef. 4-23-07; TSPC 7-2008, f. & cert. ef. 8-20-08; TSPC 3-2009(Temp), f. & cert. ef. 5-15-09 thru 11-11-09; Administrative correction 11-19-09; TSPC 8-2009, f. & cert. ef. 12-15-09; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

584-080-0171

Emergency Administrator License

(1) An Emergency Administrator License may be issued to a qualified applicant upon joint application with the district and the applicant when a school district demonstrates extenuating circumstances that merit the issuance of the license in order to protect the district's programs or students.

(2) The district must file an electronic C-3 form in conjunction with the joint application if the license needs to be issued under expedited service pursuant to OAR 584-036-0070.

(3) The Emergency Administrator License is valid for regular or substitute administration at all grade levels. The Emergency Administrator

License is restricted to the district which co-applied for the license with the educator.

(4) The Emergency Administrator License shall be issued solely at the discretion of the Executive Director for any length of time deemed necessary to protect the district's programs or students. The Executive Director may consider efforts the educator has made in meeting licensure requirements.

(5) An Emergency Administrator License is not renewable and generally will not exceed one year unless the educator or the district has presented unusual extenuating circumstances to the Executive Director. In rare circumstances when the district demonstrates continuing need, an Emergency Administrator License may be extended beyond one year for a period to be determined by the Executive Director.

(6) The Emergency Administrator License is not subject to the 120 days allowed for licensure renewal purposes under ORS 342.127(4).

Stat. Auth.: ORS 342.125

Stats. Implemented: ORS 342.120 - 342.430

Hist.: TSPC 8-2004(Temp), f. & cert. ef. 9-10-04 thru 3-9-05; Suspended by TSPC 9-2004(Temp), f. & cert. ef. 9-5-04 thru 3-9-05; TSPC 10-2004(Temp), f. & cert. ef. 10-20-04 thru 3-1-05; TSPC 1-2005, f. & cert. ef. 1-21-05; TSPC 5-2007, f. & cert. ef. 8-15-07; TSPC 5-2010(Temp), f. & cert. ef. 8-13-10 thru 12-31-10

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123-017-0030(T)	5-28-2010	Suspend	7-1-2010	123-023-3400	5-1-2010	Am. & Ren.	6-1-2010
123-017-0035	12-1-2009	Amend	1-1-2010	123-023-4000	5-1-2010	Am. & Ren.	6-1-2010
123-017-0035	4-12-2010	Amend(T)	5-1-2010	123-023-4100	5-1-2010	Am. & Ren.	6-1-2010
123-017-0035	5-28-2010	Amend(T)	7-1-2010	123-024-0011	12-1-2009	Amend	1-1-2010
123-017-0035(T)	5-28-2010	Suspend	7-1-2010	123-024-0031	12-1-2009	Amend	1-1-2010
123-017-0037	12-1-2009	Amend	1-1-2010	123-024-0046	12-1-2009	Adopt	1-1-2010
123-017-0040	12-1-2009	Repeal	1-1-2010	123-030-0050	5-1-2010	Amend	6-1-2010
123-017-0055	12-1-2009	Amend	1-1-2010	123-043-0000	12-1-2009	Amend	1-1-2010
123-017-0055	5-28-2010	Amend(T)	7-1-2010	123-043-0010	12-1-2009	Amend	1-1-2010
123-017-0060	5-28-2010	Adopt(T)	7-1-2010	123-043-0010	1-14-2010	Amend(T)	2-1-2010
123-017-0070	5-28-2010	Adopt(T)	7-1-2010	123-043-0015	12-1-2009	Amend	1-1-2010
123-017-0080	5-28-2010	Adopt(T)	7-1-2010	123-043-0015	1-14-2010	Amend(T)	2-1-2010
123-018-0010	5-1-2010	Amend	6-1-2010	123-043-0015	7-1-2010	Amend	8-1-2010
123-018-0020	5-1-2010	Amend	6-1-2010	123-043-0015(T)	7-1-2010	Repeal	8-1-2010
123-018-0080	5-1-2010	Amend	6-1-2010	123-043-0025	12-1-2009	Amend	1-1-2010
123-018-0085	5-1-2010	Amend	6-1-2010	123-043-0025	1-14-2010	Amend(T)	2-1-2010
123-018-0100	5-1-2010	Amend	6-1-2010	123-043-0035	12-1-2009	Amend	1-1-2010
123-018-0120	5-1-2010	Amend	6-1-2010	123-043-0035	1-14-2010	Amend(T)	2-1-2010
123-018-0150	5-1-2010	Amend	6-1-2010	123-043-0035	7-1-2010	Amend	8-1-2010
123-018-0160	5-1-2010	Amend	6-1-2010	123-043-0035(T)	7-1-2010	Repeal	8-1-2010
123-019-0000	4-12-2010	Amend(T)	5-1-2010	123-043-0041	1-14-2010	Adopt(T)	2-1-2010

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123-043-0041(T)	7-1-2010	Repeal	8-1-2010	123-065-1060	6-14-2010	Repeal	7-1-2010
123-043-0045	12-1-2009	Repeal	1-1-2010	123-065-1070	6-14-2010	Repeal	7-1-2010
123-043-0055	12-1-2009	Amend	1-1-2010	123-065-1080	6-14-2010	Repeal	7-1-2010
123-043-0055	1-14-2010	Amend(T)	2-1-2010	123-065-1500	6-14-2010	Repeal	7-1-2010
123-043-0055	7-1-2010	Amend	8-1-2010	123-065-1510	6-14-2010	Repeal	7-1-2010
123-043-0055(T)	7-1-2010	Repeal	8-1-2010	123-065-1520	6-14-2010	Repeal	7-1-2010
123-043-0065	12-1-2009	Amend	1-1-2010	123-065-1530	6-14-2010	Repeal	7-1-2010
123-043-0075	12-1-2009	Amend	1-1-2010	123-065-1540	6-14-2010	Repeal	7-1-2010
123-043-0075	7-1-2010	Amend	8-1-2010	123-065-1550	6-14-2010	Repeal	7-1-2010
123-043-0075(T)	7-1-2010	Repeal	8-1-2010	123-065-1553	6-14-2010	Repeal	7-1-2010
123-043-0085	12-1-2009	Amend	1-1-2010	123-065-1557	6-14-2010	Repeal	7-1-2010
123-043-0085	1-14-2010	Amend(T)	2-1-2010	123-065-1560	6-14-2010	Repeal	7-1-2010
123-043-0085	7-1-2010	Amend	8-1-2010	123-065-1570	6-14-2010	Repeal	7-1-2010
123-043-0085(T)	7-1-2010	Repeal	8-1-2010	123-065-1580	6-14-2010	Repeal	7-1-2010
123-043-0095	12-1-2009	Amend	1-1-2010	123-065-1590	6-14-2010	Repeal	7-1-2010
123-043-0095	1-14-2010	Amend(T)	2-1-2010	123-065-1600	6-14-2010	Repeal	7-1-2010
123-043-0102	12-1-2009	Amend	1-1-2010	123-065-1610	6-14-2010	Repeal	7-1-2010
123-043-0102	7-1-2010	Amend	8-1-2010	123-065-1620	6-14-2010	Repeal	7-1-2010
123-043-0102(T)	7-1-2010	Repeal	8-1-2010	123-065-1650	6-14-2010	Repeal	7-1-2010
123-043-0105	12-1-2009	Amend	1-1-2010	123-065-1670	6-14-2010	Repeal	7-1-2010
123-043-0105	7-1-2010	Amend	8-1-2010	123-065-1700	6-14-2010	Repeal	7-1-2010
123-043-0105(T)	7-1-2010	Repeal	8-1-2010	123-065-1710	6-14-2010	Repeal	7-1-2010
123-043-0115	12-1-2009	Amend	1-1-2010	123-065-1720	6-14-2010	Repeal	7-1-2010
123-043-0115	1-14-2010	Amend(T)	2-1-2010	123-065-1730	6-14-2010	Repeal	7-1-2010
123-049-0005	2-1-2010	Amend	3-1-2010	123-065-1740	6-14-2010	Repeal	7-1-2010
123-049-0010	2-1-2010	Amend	3-1-2010	123-065-1750	6-14-2010	Repeal	7-1-2010
123-049-0020	2-1-2010	Amend	3-1-2010	123-065-1900	6-14-2010	Repeal	7-1-2010
123-049-0030	2-1-2010	Amend	3-1-2010	123-065-1910	6-14-2010	Repeal	7-1-2010
123-049-0040	2-1-2010	Amend	3-1-2010	123-065-1920	6-14-2010	Repeal	7-1-2010
123-049-0050	2-1-2010	Amend	3-1-2010	123-065-2500	6-14-2010	Repeal	7-1-2010
123-049-0060	2-1-2010	Amend	3-1-2010	123-065-2510	6-14-2010	Repeal	7-1-2010
123-065-0000	6-14-2010	Repeal	7-1-2010	123-065-2520	6-14-2010	Repeal	7-1-2010
123-065-0005	6-14-2010	Repeal	7-1-2010	123-065-2530	6-14-2010	Repeal	7-1-2010
123-065-0010	1-5-2010	Amend(T)	2-1-2010	123-065-2540	6-14-2010	Repeal	7-1-2010
123-065-0010	6-14-2010	Repeal	7-1-2010	123-065-2550	6-14-2010	Repeal	7-1-2010
123-065-0059	6-14-2010	Repeal	7-1-2010	123-065-2700	6-14-2010	Repeal	7-1-2010
123-065-0080	6-14-2010	Repeal	7-1-2010	123-065-3000	6-14-2010	Repeal	7-1-2010
123-065-0090	6-14-2010	Repeal	7-1-2010	123-065-3030	6-14-2010	Repeal	7-1-2010
123-065-0095	6-14-2010	Repeal	7-1-2010	123-065-3110	6-14-2010	Repeal	7-1-2010
123-065-0100	6-14-2010	Repeal	7-1-2010	123-065-3130	6-14-2010	Repeal	7-1-2010
123-065-0140	6-14-2010	Repeal	7-1-2010	123-065-3140	6-14-2010	Repeal	7-1-2010
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123-065-0330	6-14-2010	Repeal	7-1-2010	123-065-3480	6-14-2010	Repeal	7-1-2010
123-065-0350	6-14-2010	Repeal	7-1-2010	123-065-3500	6-14-2010	Repeal	7-1-2010
123-065-0365	6-14-2010	Repeal	7-1-2010	123-065-3530	6-14-2010	Repeal	7-1-2010
123-065-1000	6-14-2010	Repeal	7-1-2010	123-065-3545	6-14-2010	Repeal	7-1-2010

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123-065-3600	6-14-2010	Repeal	7-1-2010	123-065-4570	6-14-2010	Repeal	7-1-2010
123-065-3800	6-14-2010	Repeal	7-1-2010	123-065-4580	6-14-2010	Repeal	7-1-2010
123-065-3830	6-14-2010	Repeal	7-1-2010	123-065-4590	6-14-2010	Repeal	7-1-2010
123-065-3850	6-14-2010	Repeal	7-1-2010	123-065-4600	6-14-2010	Repeal	7-1-2010
123-065-4000	6-14-2010	Repeal	7-1-2010	123-065-4610	6-14-2010	Repeal	7-1-2010
123-065-4010	6-14-2010	Repeal	7-1-2010	123-065-4620	6-14-2010	Repeal	7-1-2010
123-065-4020	6-14-2010	Repeal	7-1-2010	123-065-4630	6-14-2010	Repeal	7-1-2010
123-065-4050	6-14-2010	Repeal	7-1-2010	123-065-4640	6-14-2010	Repeal	7-1-2010
123-065-4060	6-14-2010	Repeal	7-1-2010	123-065-4700	6-14-2010	Repeal	7-1-2010
123-065-4070	6-14-2010	Repeal	7-1-2010	123-065-4710	6-14-2010	Repeal	7-1-2010
123-065-4100	6-14-2010	Repeal	7-1-2010	123-065-4720	6-14-2010	Repeal	7-1-2010
123-065-4110	6-14-2010	Repeal	7-1-2010	123-065-4730	6-14-2010	Repeal	7-1-2010
123-065-4120	6-14-2010	Repeal	7-1-2010	123-065-4740	6-14-2010	Repeal	7-1-2010
123-065-4130	6-14-2010	Repeal	7-1-2010	123-065-4750	6-14-2010	Repeal	7-1-2010
123-065-4140	6-14-2010	Repeal	7-1-2010	123-065-4760	6-14-2010	Repeal	7-1-2010
123-065-4200	6-14-2010	Repeal	7-1-2010	123-065-4800	6-14-2010	Repeal	7-1-2010
123-065-4220	6-14-2010	Repeal	7-1-2010	123-065-4950	6-14-2010	Repeal	7-1-2010
123-065-4230	6-14-2010	Repeal	7-1-2010	123-065-4960	6-14-2010	Repeal	7-1-2010
123-065-4240	6-14-2010	Repeal	7-1-2010	123-065-4970	6-14-2010	Repeal	7-1-2010
123-065-4250	6-14-2010	Repeal	7-1-2010	123-065-4980	6-14-2010	Repeal	7-1-2010
123-065-4260	6-14-2010	Repeal	7-1-2010	123-065-4990	6-14-2010	Repeal	7-1-2010
123-065-4270	6-14-2010	Repeal	7-1-2010	123-065-7000	6-14-2010	Repeal	7-1-2010
123-065-4280	6-14-2010	Repeal	7-1-2010	123-065-7100	6-14-2010	Repeal	7-1-2010
123-065-4300	6-14-2010	Repeal	7-1-2010	123-065-7200	6-14-2010	Repeal	7-1-2010
123-065-4310	6-14-2010	Repeal	7-1-2010	123-065-7300	6-14-2010	Repeal	7-1-2010
123-065-4313	6-14-2010	Repeal	7-1-2010	123-065-7400	6-14-2010	Repeal	7-1-2010
123-065-4315	6-14-2010	Repeal	7-1-2010	123-065-7500	6-14-2010	Repeal	7-1-2010
123-065-4318	6-14-2010	Repeal	7-1-2010	123-065-7600	6-14-2010	Repeal	7-1-2010
123-065-4320	6-14-2010	Repeal	7-1-2010	123-065-7700	6-14-2010	Repeal	7-1-2010
123-065-4323	6-14-2010	Repeal	7-1-2010	123-065-8000	6-14-2010	Repeal	7-1-2010
123-065-4325	6-14-2010	Repeal	7-1-2010	123-065-8100	6-14-2010	Repeal	7-1-2010
123-065-4328	6-14-2010	Repeal	7-1-2010	123-065-8200	6-14-2010	Repeal	7-1-2010
123-065-4330	6-14-2010	Repeal	7-1-2010	123-065-8300	6-14-2010	Repeal	7-1-2010
123-065-4340	6-14-2010	Repeal	7-1-2010	123-065-8400	6-14-2010	Repeal	7-1-2010
123-065-4345	6-14-2010	Repeal	7-1-2010	123-070-1000	12-1-2009	Amend	1-1-2010
123-065-4355	6-14-2010	Repeal	7-1-2010	123-070-1000	7-1-2010	Amend	8-1-2010
123-065-4365	6-14-2010	Repeal	7-1-2010	123-070-1100	12-1-2009	Amend	1-1-2010
123-065-4375	6-14-2010	Repeal	7-1-2010	123-070-1100	7-1-2010	Amend	8-1-2010
123-065-4380	6-14-2010	Repeal	7-1-2010	123-070-1150	12-1-2009	Amend	1-1-2010
123-065-4400	6-14-2010	Repeal	7-1-2010	123-070-1200	12-1-2009	Repeal	1-1-2010
123-065-4410	6-14-2010	Repeal	7-1-2010	123-070-1300	12-1-2009	Amend	1-1-2010
123-065-4420	6-14-2010	Repeal	7-1-2010	123-070-1500	12-1-2009	Amend	1-1-2010
123-065-4430	6-14-2010	Repeal	7-1-2010	123-070-1500	7-1-2010	Amend	8-1-2010
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123-065-4450	6-14-2010	Repeal	7-1-2010	123-070-1700	12-1-2009	Repeal	1-1-2010
123-065-4460	6-14-2010	Repeal	7-1-2010	123-070-1800	12-1-2009	Amend	1-1-2010
123-065-4470	6-14-2010	Repeal	7-1-2010	123-070-1900	12-1-2009	Amend	1-1-2010
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123-065-4500	6-14-2010	Repeal	7-1-2010	123-070-2100	7-1-2010	Am. & Ren.	8-1-2010
123-065-4510	6-14-2010	Repeal	7-1-2010	123-070-2200	7-1-2010	Am. & Ren.	8-1-2010
123-065-4520	6-14-2010	Repeal	7-1-2010	123-070-2300	12-1-2009	Amend	1-1-2010
123-065-4530	6-14-2010	Repeal	7-1-2010	123-070-2300	7-1-2010	Am. & Ren.	8-1-2010
123-065-4540	6-14-2010	Repeal	7-1-2010	123-070-2400	12-1-2009	Amend	1-1-2010
123-065-4550	6-14-2010	Repeal	7-1-2010	123-070-2400	7-1-2010	Am. & Ren.	8-1-2010
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123-080-0040	1-1-2010	Amend	2-1-2010	123-165-0045	5-1-2010	Adopt	6-1-2010
123-087-0010	1-1-2010	Amend	2-1-2010	123-165-0045(T)	5-1-2010	Repeal	6-1-2010
123-087-0030	1-1-2010	Amend	2-1-2010	123-165-0050	1-14-2010	Adopt(T)	2-1-2010
123-087-0040	1-1-2010	Repeal	2-1-2010	123-165-0050	5-1-2010	Adopt	6-1-2010
123-090-0000	1-1-2010	Amend	2-1-2010	123-165-0050(T)	5-1-2010	Repeal	6-1-2010
123-090-0010	1-1-2010	Amend	2-1-2010	123-200-0005	5-1-2010	Adopt	6-1-2010
123-090-0030	1-1-2010	Amend	2-1-2010	123-200-0010	5-1-2010	Adopt	6-1-2010
123-090-0040	1-1-2010	Amend	2-1-2010	123-200-0020	5-1-2010	Adopt	6-1-2010
123-090-0060	1-1-2010	Amend	2-1-2010	123-200-0030	5-1-2010	Adopt	6-1-2010
123-125-0000	6-1-2010	Amend	7-1-2010	123-200-0040	5-1-2010	Adopt	6-1-2010
123-125-0020	6-1-2010	Amend	7-1-2010	123-200-0050	5-1-2010	Adopt	6-1-2010
123-125-0040	6-1-2010	Amend	7-1-2010	123-200-0060	5-1-2010	Adopt	6-1-2010
123-135-0000	4-1-2010	Amend	5-1-2010	123-200-0070	5-1-2010	Adopt	6-1-2010
123-135-0010	4-1-2010	Amend	5-1-2010	123-200-0080	5-1-2010	Adopt	6-1-2010
123-135-0020	4-1-2010	Amend	5-1-2010	123-200-0090	5-1-2010	Adopt	6-1-2010
123-135-0030	4-1-2010	Amend	5-1-2010	123-200-0100	5-1-2010	Adopt	6-1-2010
123-135-0040	4-1-2010	Amend	5-1-2010	123-200-0120	5-1-2010	Adopt	6-1-2010
123-135-0050	4-1-2010	Amend	5-1-2010	123-200-0130	5-1-2010	Adopt	6-1-2010
123-135-0060	4-1-2010	Repeal	5-1-2010	123-200-0140	5-1-2010	Adopt	6-1-2010
123-135-0065	4-1-2010	Adopt	5-1-2010	123-200-0150	5-1-2010	Adopt	6-1-2010
123-135-0070	4-1-2010	Repeal	5-1-2010	123-200-0160	5-1-2010	Adopt	6-1-2010
123-135-0080	4-1-2010	Amend	5-1-2010	123-200-0170	5-1-2010	Adopt	6-1-2010
123-135-0087	4-1-2010	Amend	5-1-2010	123-200-0180	5-1-2010	Adopt	6-1-2010
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123-135-0110	4-1-2010	Amend	5-1-2010	123-500-0000	3-1-2010	Amend	4-1-2010
123-140-0010	4-1-2010	Amend	5-1-2010	123-500-0005	3-1-2010	Amend	4-1-2010
123-140-0010	5-21-2010	Amend(T)	7-1-2010	123-500-0010	3-1-2010	Adopt	4-1-2010
123-140-0020	4-1-2010	Amend	5-1-2010	123-500-0015	3-1-2010	Adopt	4-1-2010
123-140-0020	5-21-2010	Amend(T)	7-1-2010	123-500-0020	3-1-2010	Am. & Ren.	4-1-2010
123-140-0030	4-1-2010	Amend	5-1-2010	123-500-0030	3-1-2010	Am. & Ren.	4-1-2010
123-140-0030	5-21-2010	Amend(T)	7-1-2010	123-500-0035	3-1-2010	Adopt	4-1-2010
123-140-0050	4-1-2010	Amend	5-1-2010	123-500-0040	3-1-2010	Am. & Ren.	4-1-2010
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123-155-0050	2-1-2010	Amend	3-1-2010	123-500-0050	3-1-2010	Am. & Ren.	4-1-2010
123-155-0100	2-1-2010	Amend	3-1-2010	123-500-0055	3-1-2010	Adopt	4-1-2010
123-155-0150	2-1-2010	Amend	3-1-2010	123-500-0060	3-1-2010	Am. & Ren.	4-1-2010
123-155-0200	2-1-2010	Amend	3-1-2010	123-500-0075	3-1-2010	Adopt	4-1-2010
123-155-0250	2-1-2010	Amend	3-1-2010	123-500-0080	3-1-2010	Adopt	4-1-2010
123-155-0270	2-1-2010	Amend	3-1-2010	123-500-0150	3-1-2010	Adopt	4-1-2010
123-155-0300	2-1-2010	Amend	3-1-2010	123-500-0160	3-1-2010	Adopt	4-1-2010
123-155-0350	2-1-2010	Amend	3-1-2010	123-500-0170	3-1-2010	Adopt	4-1-2010
123-155-0400	2-1-2010	Amend	3-1-2010	123-500-0175	3-1-2010	Adopt	4-1-2010
123-165-0010	1-14-2010	Adopt(T)	2-1-2010	123-650-0001	6-14-2010	Adopt	7-1-2010
123-165-0010	5-1-2010	Adopt	6-1-2010	123-650-0059	6-14-2010	Adopt	7-1-2010
123-165-0010(T)	5-1-2010	Repeal	6-1-2010	123-650-0100	6-14-2010	Adopt	7-1-2010
123-165-0020	1-14-2010	Adopt(T)	2-1-2010	123-650-0500	6-14-2010	Adopt	7-1-2010
123-165-0020	5-1-2010	Adopt	6-1-2010	123-650-0700	6-14-2010	Adopt	7-1-2010
123-165-0020(T)	5-1-2010	Repeal	6-1-2010	123-650-1000	6-14-2010	Adopt	7-1-2010
123-165-0030	1-14-2010	Adopt(T)	2-1-2010	123-650-1100	6-14-2010	Adopt	7-1-2010
123-165-0030	5-1-2010	Adopt	6-1-2010	123-650-1500	6-14-2010	Adopt	7-1-2010
123-165-0030(T)	5-1-2010	Repeal	6-1-2010	123-650-2000	6-14-2010	Adopt	7-1-2010
123-165-0040	1-14-2010	Adopt(T)	2-1-2010	123-650-2100	6-14-2010	Adopt	7-1-2010
123-165-0040	5-1-2010	Adopt	6-1-2010	123-650-2200	6-14-2010	Adopt	7-1-2010

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123-690-2000	6-14-2010	Adopt	7-1-2010	125-247-0261	1-1-2010	Repeal	2-1-2010
123-690-2100	6-14-2010	Adopt	7-1-2010	125-247-0270	1-1-2010	Amend	2-1-2010
123-690-2300	6-14-2010	Adopt	7-1-2010	125-247-0275	1-1-2010	Amend	2-1-2010
123-690-2400	6-14-2010	Adopt	7-1-2010	125-247-0280	1-1-2010	Amend	2-1-2010
123-690-4000	6-14-2010	Adopt	7-1-2010	125-247-0287	1-1-2010	Amend	2-1-2010
123-690-4200	6-14-2010	Adopt	7-1-2010	125-247-0288	1-1-2010	Amend	2-1-2010
123-690-4400	6-14-2010	Adopt	7-1-2010	125-247-0296	1-1-2010	Amend	2-1-2010
123-690-4600	6-14-2010	Adopt	7-1-2010	125-247-0305	1-1-2010	Amend	2-1-2010
123-690-5000	6-14-2010	Adopt	7-1-2010	125-247-0310	1-1-2010	Amend	2-1-2010
123-690-5200	6-14-2010	Adopt	7-1-2010	125-247-0320	1-1-2010	Amend	2-1-2010
123-690-6000	6-14-2010	Adopt	7-1-2010	125-247-0340	1-1-2010	Amend	2-1-2010
123-690-6200	6-14-2010	Adopt	7-1-2010	125-247-0470	1-1-2010	Amend	2-1-2010
123-690-8000	6-14-2010	Adopt	7-1-2010	125-247-0500	1-1-2010	Amend	2-1-2010
123-690-8100	6-14-2010	Adopt	7-1-2010	125-247-0550	1-1-2010	Amend	2-1-2010
123-690-8500	6-14-2010	Adopt	7-1-2010	125-247-0600	1-1-2010	Amend	2-1-2010
125-045-0210	11-19-2009	Amend	1-1-2010	125-247-0610	1-1-2010	Amend	2-1-2010
125-045-0215	11-19-2009	Amend	1-1-2010	125-247-0630	1-1-2010	Amend	2-1-2010
125-045-0225	11-19-2009	Amend	1-1-2010	125-247-0640	1-1-2010	Amend	2-1-2010
125-055-0100	7-26-2010	Amend(T)	9-1-2010	125-247-0660	1-1-2010	Amend	2-1-2010
125-055-0105	7-26-2010	Amend(T)	9-1-2010	125-247-0691	1-1-2010	Amend	2-1-2010
125-055-0115	7-26-2010	Amend(T)	9-1-2010	125-247-0700	1-1-2010	Amend	2-1-2010
125-055-0120	7-26-2010	Amend(T)	9-1-2010	125-247-0710	1-1-2010	Amend	2-1-2010
125-055-0125	7-26-2010	Amend(T)	9-1-2010	125-247-0720	1-1-2010	Amend	2-1-2010
125-055-0130	7-26-2010	Amend(T)	9-1-2010	125-247-0740	1-1-2010	Amend	2-1-2010
125-246-0110	1-1-2010	Amend	2-1-2010	125-247-0750	1-1-2010	Amend	2-1-2010
125-246-0130	1-1-2010	Amend	2-1-2010	125-247-0770	1-1-2010	Repeal	2-1-2010
125-246-0150	1-1-2010	Amend	2-1-2010	125-247-0800	1-1-2010	Repeal	2-1-2010
125-246-0165	1-1-2010	Adopt	2-1-2010	125-248-0130	1-1-2010	Amend	2-1-2010
125-246-0170	1-1-2010	Amend	2-1-2010	125-248-0200	1-1-2010	Amend	2-1-2010
125-246-0200	1-1-2010	Amend	2-1-2010	125-248-0210	1-1-2010	Amend	2-1-2010
125-246-0210	1-1-2010	Amend	2-1-2010	125-248-0220	1-1-2010	Amend	2-1-2010
125-246-0220	1-1-2010	Amend	2-1-2010	125-248-0230	1-1-2010	Amend	2-1-2010
125-246-0310	1-1-2010	Amend	2-1-2010	125-248-0240	1-1-2010	Amend	2-1-2010
125-246-0312	1-1-2010	Adopt	2-1-2010	125-248-0260	1-1-2010	Amend	2-1-2010
125-246-0314	1-1-2010	Adopt	2-1-2010	125-248-0300	1-1-2010	Amend	2-1-2010
125-246-0330	1-1-2010	Amend	2-1-2010	125-248-0310	1-1-2010	Amend	2-1-2010
125-246-0333	1-1-2010	Amend	2-1-2010	125-248-0330	1-1-2010	Amend	2-1-2010
125-246-0335	1-1-2010	Amend	2-1-2010	125-248-0340	1-1-2010	Amend	2-1-2010
125-246-0345	1-1-2010	Amend	2-1-2010	125-249-0120	1-1-2010	Amend	2-1-2010
125-246-0351	1-1-2010	Amend	2-1-2010	125-249-0130	1-1-2010	Amend	2-1-2010
125-246-0352	1-1-2010	Repeal	2-1-2010	125-249-0145	1-1-2010	Adopt	2-1-2010
125-246-0360	1-1-2010	Amend	2-1-2010	125-249-0200	1-1-2010	Amend	2-1-2010
125-246-0365	1-1-2010	Amend	2-1-2010	125-249-0230	1-1-2010	Amend	2-1-2010
125-246-0550	1-1-2010	Repeal	2-1-2010	125-249-0260	1-1-2010	Amend	2-1-2010
125-246-0560	1-1-2010	Amend	2-1-2010	125-249-0270	1-1-2010	Amend	2-1-2010
125-246-0570	1-1-2010	Amend	2-1-2010	125-249-0280	1-1-2010	Amend	2-1-2010
125-246-0575	1-1-2010	Repeal	2-1-2010	125-249-0300	1-1-2010	Amend	2-1-2010
125-246-0576	1-1-2010	Amend	2-1-2010	125-249-0330	1-1-2010	Amend	2-1-2010
125-246-0621	1-1-2010	Adopt	2-1-2010	125-249-0350	1-1-2010	Amend	2-1-2010
125-246-0635	1-1-2010	Amend	2-1-2010	125-249-0360	1-1-2010	Amend	2-1-2010
125-247-0005	1-1-2010	Repeal	2-1-2010	125-249-0370	1-1-2010	Amend	2-1-2010
125-247-0110	1-1-2010	Adopt	2-1-2010	125-249-0390	1-1-2010	Amend	2-1-2010
125-247-0200	1-1-2010	Amend	2-1-2010	125-249-0420	1-1-2010	Amend	2-1-2010
125-247-0255	1-1-2010	Amend	2-1-2010	125-249-0430	1-1-2010	Amend	2-1-2010
125-247-0256	1-1-2010	Repeal	2-1-2010	125-249-0440	1-1-2010	Amend	2-1-2010

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125-249-0620	1-1-2010	Amend	2-1-2010	137-049-0290	1-1-2010	Amend	1-1-2010
125-249-0640	1-1-2010	Amend	2-1-2010	137-049-0320	1-1-2010	Amend	1-1-2010
125-249-0645	1-1-2010	Amend	2-1-2010	137-049-0330	1-1-2010	Amend	1-1-2010
125-249-0650	1-1-2010	Amend	2-1-2010	137-049-0350	1-1-2010	Amend	1-1-2010
125-249-0660	1-1-2010	Amend	2-1-2010	137-049-0360	1-1-2010	Amend	1-1-2010
125-249-0680	1-1-2010	Amend	2-1-2010	137-049-0390	1-1-2010	Amend	1-1-2010
125-249-0800	1-1-2010	Amend	2-1-2010	137-049-0400	1-1-2010	Amend	1-1-2010
125-249-0810	1-1-2010	Amend	2-1-2010	137-049-0430	1-1-2010	Amend	1-1-2010
125-249-0815	1-1-2010	Amend	2-1-2010	137-049-0440	1-1-2010	Amend	1-1-2010
125-249-0820	1-1-2010	Amend	2-1-2010	137-049-0620	1-1-2010	Amend	1-1-2010
125-249-0860	1-1-2010	Amend	2-1-2010	137-049-0645	1-1-2010	Amend	1-1-2010
125-249-0870	1-1-2010	Amend	2-1-2010	137-049-0650	1-1-2010	Amend	1-1-2010
125-249-0900	1-1-2010	Amend	2-1-2010	137-049-0670	1-1-2010	Amend	1-1-2010
125-700-0015	6-29-2010	Amend(T)	8-1-2010	137-049-0680	1-1-2010	Amend	1-1-2010
125-700-0055	6-29-2010	Amend(T)	8-1-2010	137-049-0800	1-1-2010	Amend	1-1-2010
137-045-0010	1-1-2010	Amend	1-1-2010	137-049-0815	1-1-2010	Amend	1-1-2010
137-045-0015	1-1-2010	Amend	1-1-2010	137-049-0820	1-1-2010	Amend	1-1-2010
137-045-0020	1-1-2010	Amend	1-1-2010	137-049-0860	1-1-2010	Amend	1-1-2010
137-045-0030	1-1-2010	Amend	1-1-2010	137-050-0320	1-4-2010	Repeal	1-1-2010
137-045-0035	1-1-2010	Amend	1-1-2010	137-050-0330	1-4-2010	Repeal	1-1-2010
137-045-0050	1-1-2010	Amend	1-1-2010	137-050-0333	1-4-2010	Repeal	1-1-2010
137-045-0052	1-1-2010	Amend	1-1-2010	137-050-0335	1-4-2010	Repeal	1-1-2010
137-045-0060	1-1-2010	Amend	1-1-2010	137-050-0340	1-4-2010	Repeal	1-1-2010
137-045-0070	1-1-2010	Amend	1-1-2010	137-050-0350	1-4-2010	Repeal	1-1-2010
137-046-0110	1-1-2010	Amend	1-1-2010	137-050-0360	1-4-2010	Repeal	1-1-2010
137-046-0210	1-1-2010	Amend	1-1-2010	137-050-0370	1-4-2010	Repeal	1-1-2010
137-047-0250	1-1-2010	Amend	1-1-2010	137-050-0390	1-4-2010	Repeal	1-1-2010
137-047-0255	1-1-2010	Amend	1-1-2010	137-050-0400	1-4-2010	Repeal	1-1-2010
137-047-0260	1-1-2010	Amend	1-1-2010	137-050-0405	1-4-2010	Repeal	1-1-2010
137-047-0261	1-1-2010	Amend	1-1-2010	137-050-0410	1-4-2010	Repeal	1-1-2010
137-047-0262	1-1-2010	Amend	1-1-2010	137-050-0420	1-4-2010	Repeal	1-1-2010
137-047-0263	1-1-2010	Amend	1-1-2010	137-050-0430	1-4-2010	Repeal	1-1-2010
137-047-0270	1-1-2010	Amend	1-1-2010	137-050-0450	1-4-2010	Repeal	1-1-2010
137-047-0280	1-1-2010	Amend	1-1-2010	137-050-0455	1-4-2010	Repeal	1-1-2010
137-047-0300	1-1-2010	Amend	1-1-2010	137-050-0465	1-4-2010	Repeal	1-1-2010
137-047-0310	1-1-2010	Amend	1-1-2010	137-050-0475	1-4-2010	Repeal	1-1-2010
137-047-0470	1-1-2010	Amend	1-1-2010	137-050-0485	1-4-2010	Repeal	1-1-2010
137-047-0550	1-1-2010	Amend	1-1-2010	137-050-0490	1-4-2010	Repeal	1-1-2010
137-047-0600	1-1-2010	Amend	1-1-2010	137-050-0700	1-4-2010	Adopt	1-1-2010
137-047-0640	1-1-2010	Amend	1-1-2010	137-050-0700	2-12-2010	Amend(T)	3-1-2010
137-047-0800	1-1-2010	Amend	1-1-2010	137-050-0700	7-1-2010	Amend	8-1-2010
137-048-0130	1-1-2010	Amend	1-1-2010	137-050-0700(T)	7-1-2010	Amend	8-1-2010
137-048-0200	1-1-2010	Amend	1-1-2010	137-050-0710	1-4-2010	Adopt	1-1-2010
137-048-0210	1-1-2010	Amend	1-1-2010	137-050-0710	2-12-2010	Amend(T)	3-1-2010
137-048-0220	1-1-2010	Amend	1-1-2010	137-050-0710	7-1-2010	Amend	8-1-2010
137-048-0250	1-1-2010	Amend	1-1-2010	137-050-0710(T)	7-1-2010	Amend	8-1-2010
137-048-0260	1-1-2010	Amend	1-1-2010	137-050-0715	1-4-2010	Adopt	1-1-2010
137-048-0300	1-1-2010	Amend	1-1-2010	137-050-0715	2-12-2010	Amend(T)	3-1-2010
137-048-0310	1-1-2010	Amend	1-1-2010	137-050-0715	7-1-2010	Amend	8-1-2010
137-048-0320	1-1-2010	Amend	1-1-2010	137-050-0715(T)	7-1-2010	Amend	8-1-2010
137-049-0150	1-1-2010	Amend	1-1-2010	137-050-0720	1-4-2010	Adopt	1-1-2010
137-049-0200	1-1-2010	Amend	1-1-2010	137-050-0725	1-4-2010	Adopt	1-1-2010
137-049-0210	1-1-2010	Amend	1-1-2010	137-050-0730	1-4-2010	Adopt	1-1-2010
137-049-0220	1-1-2010	Amend	1-1-2010	137-050-0730	7-1-2010	Amend	8-1-2010
137-049-0260	1-1-2010	Amend	1-1-2010	137-050-0735	1-4-2010	Adopt	1-1-2010

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137-050-0745	1-4-2010	Adopt	1-1-2010	137-060-0220	3-12-2010	Amend	4-1-2010
137-050-0750	1-4-2010	Adopt	1-1-2010	137-060-0230	3-12-2010	Amend	4-1-2010
137-050-0755	1-4-2010	Adopt	1-1-2010	137-060-0250	3-12-2010	Amend	4-1-2010
137-050-0760	1-4-2010	Adopt(T)	1-1-2010	137-060-0310	3-12-2010	Amend	4-1-2010
137-050-0760	1-8-2010	Amend(T)	2-1-2010	137-060-0320	3-12-2010	Amend	4-1-2010
137-050-0760	2-12-2010	Adopt(T)	3-1-2010	137-060-0330	3-12-2010	Amend	4-1-2010
137-050-0760	7-1-2010	Adopt	8-1-2010	137-060-0350	3-12-2010	Amend	4-1-2010
137-050-0760(T)	1-8-2010	Suspend	2-1-2010	137-060-0410	3-12-2010	Amend	4-1-2010
137-050-0760(T)	2-12-2010	Suspend	3-1-2010	137-060-0420	3-12-2010	Amend	4-1-2010
137-050-0760(T)	7-1-2010	Amend	8-1-2010	137-060-0430	3-12-2010	Amend	4-1-2010
137-050-0765	1-4-2010	Adopt	1-1-2010	137-060-0450	3-12-2010	Amend	4-1-2010
137-055-1020	1-4-2010	Amend	2-1-2010	137-078-0000	8-2-2010	Amend(T)	9-1-2010
137-055-1070	1-4-2010	Amend(T)	2-1-2010	137-078-0005	8-2-2010	Amend(T)	9-1-2010
137-055-1070	4-1-2010	Amend	5-1-2010	137-078-0010	8-2-2010	Amend(T)	9-1-2010
137-055-1070(T)	4-1-2010	Repeal	5-1-2010	137-078-0015	8-2-2010	Amend(T)	9-1-2010
137-055-1090	1-4-2010	Amend	2-1-2010	137-078-0020	8-2-2010	Amend(T)	9-1-2010
137-055-1120	1-4-2010	Amend	2-1-2010	137-078-0025	8-2-2010	Amend(T)	9-1-2010
137-055-1140	1-4-2010	Amend	2-1-2010	137-078-0030	8-2-2010	Amend(T)	9-1-2010
137-055-1145	1-4-2010	Amend	2-1-2010	137-078-0035	8-2-2010	Amend(T)	9-1-2010
137-055-1160	9-1-2010	Amend(T)	8-1-2010	137-078-0040	8-2-2010	Amend(T)	9-1-2010
137-055-2160	1-4-2010	Amend(T)	2-1-2010	137-078-0041	8-2-2010	Adopt(T)	9-1-2010
137-055-2160	7-1-2010	Amend	8-1-2010	137-078-0045	8-2-2010	Amend(T)	9-1-2010
137-055-2160(T)	7-1-2010	Amend	8-1-2010	137-078-0050	8-2-2010	Amend(T)	9-1-2010
137-055-2360	1-4-2010	Amend	2-1-2010	137-078-0051	8-2-2010	Adopt(T)	9-1-2010
137-055-2380	1-4-2010	Amend	2-1-2010	137-105-0050	4-19-2010	Adopt(T)	6-1-2010
137-055-3020	1-4-2010	Amend	2-1-2010	137-105-0050	6-30-2010	Adopt	8-1-2010
137-055-3080	1-4-2010	Amend	2-1-2010	137-105-0050(T)	6-30-2010	Repeal	8-1-2010
137-055-3220	1-4-2010	Amend	2-1-2010	141-085-0506	1-1-2010	Amend	1-1-2010
137-055-3260	1-4-2010	Amend	2-1-2010	141-085-0510	1-1-2010	Amend	1-1-2010
137-055-3300	1-4-2010	Amend	2-1-2010	141-085-0515	1-1-2010	Amend	1-1-2010
137-055-3340	1-4-2010	Amend(T)	2-1-2010	141-085-0530	1-1-2010	Amend	1-1-2010
137-055-3340	1-12-2010	Amend(T)	2-1-2010	141-085-0534	1-1-2010	Adopt	1-1-2010
137-055-3340	4-1-2010	Amend	5-1-2010	141-085-0535	1-1-2010	Amend	1-1-2010
137-055-3340(T)	1-12-2010	Suspend	2-1-2010	141-085-0545	1-1-2010	Amend	1-1-2010
137-055-3340(T)	4-1-2010	Repeal	5-1-2010	141-085-0550	1-1-2010	Amend	1-1-2010
137-055-3400	1-4-2010	Amend	2-1-2010	141-085-0555	1-1-2010	Amend	1-1-2010
137-055-3420	1-4-2010	Amend	2-1-2010	141-085-0565	1-1-2010	Amend	1-1-2010
137-055-3430	7-1-2010	Amend(T)	8-1-2010	141-085-0570	1-1-2010	Am. & Ren.	1-1-2010
137-055-3435	1-4-2010	Adopt	2-1-2010	141-085-0575	1-1-2010	Amend	1-1-2010
137-055-3660	1-4-2010	Amend	2-1-2010	141-085-0585	1-1-2010	Amend	1-1-2010
137-055-4210	1-4-2010	Adopt	2-1-2010	141-085-0590	1-1-2010	Amend	1-1-2010
137-055-4420	1-4-2010	Amend	2-1-2010	141-085-0665	1-1-2010	Amend	1-1-2010
137-055-4450	1-4-2010	Amend	2-1-2010	141-085-0670	1-1-2010	Repeal	1-1-2010
137-055-4455	1-4-2010	Amend	2-1-2010	141-085-0675	1-1-2010	Amend	1-1-2010
137-055-4620	1-4-2010	Amend	2-1-2010	141-085-0680	1-1-2010	Amend	1-1-2010
137-055-4640	1-4-2010	Amend	2-1-2010	141-085-0685	1-1-2010	Amend	1-1-2010
137-055-5110	1-4-2010	Amend	2-1-2010	141-085-0690	1-1-2010	Amend	1-1-2010
137-055-5220	1-4-2010	Amend	2-1-2010	141-085-0700	1-1-2010	Amend	1-1-2010
137-055-6022	1-4-2010	Amend	2-1-2010	141-085-0705	1-1-2010	Amend	1-1-2010
137-055-6024	1-4-2010	Amend	2-1-2010	141-085-0720	1-1-2010	Amend	1-1-2010
137-055-6260	1-4-2010	Amend	2-1-2010	141-085-0725	1-1-2010	Amend	1-1-2010
137-060-0110	3-12-2010	Amend	4-1-2010	141-085-0730	1-1-2010	Amend	1-1-2010
137-060-0120	3-12-2010	Amend	4-1-2010	141-085-0735	1-1-2010	Amend	1-1-2010
137-060-0130	3-12-2010	Amend	4-1-2010	141-085-0745	1-1-2010	Amend	1-1-2010
137-060-0150	3-12-2010	Amend	4-1-2010	141-085-0750	1-1-2010	Amend	1-1-2010

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141-089-0350	1-1-2010	Repeal	1-1-2010	150-314.280-(N)	1-1-2010	Amend	2-1-2010
141-089-0355	1-1-2010	Repeal	1-1-2010	150-314.360	7-31-2010	Amend	9-1-2010
141-089-0360	1-1-2010	Repeal	1-1-2010	150-314.610(4)	1-1-2010	Repeal	2-1-2010
141-089-0365	1-1-2010	Repeal	1-1-2010	150-314.775	7-31-2010	Amend	9-1-2010
141-089-0370	1-1-2010	Repeal	1-1-2010	150-314.778	7-31-2010	Adopt	9-1-2010
141-089-0375	1-1-2010	Repeal	1-1-2010	150-314.781	7-31-2010	Adopt	9-1-2010
141-089-0380	1-1-2010	Repeal	1-1-2010	150-314.784	7-31-2010	Adopt	9-1-2010
141-089-0385	1-1-2010	Repeal	1-1-2010	150-314.840	7-31-2010	Amend	9-1-2010
141-089-0390	1-1-2010	Repeal	1-1-2010	150-315.141	7-31-2010	Amend	9-1-2010
141-102-0000	4-1-2010	Amend	4-1-2010	150-315.144	7-31-2010	Adopt	9-1-2010
141-102-0010	4-1-2010	Amend	4-1-2010	150-315.204-(A)	1-1-2010	Amend	2-1-2010
141-102-0020	4-1-2010	Amend	4-1-2010	150-315.204-(A)	3-15-2010	Amend	4-1-2010
141-102-0030	4-1-2010	Amend	4-1-2010	150-315.262	1-1-2010	Amend	2-1-2010
141-102-0040	4-1-2010	Amend	4-1-2010	150-316.014	7-31-2010	Amend	9-1-2010
141-142-0010	12-15-2009	Adopt	1-1-2010	150-316.216	7-31-2010	Am. & Ren.	9-1-2010
141-142-0015	12-15-2009	Adopt	1-1-2010	150-316.680(1)(c)-(A)	7-31-2010	Amend	9-1-2010
141-142-0020	12-15-2009	Adopt	1-1-2010	150-316.OL2010.CH66	7-23-2010	Adopt(T)	9-1-2010
141-142-0025	12-15-2009	Adopt	1-1-2010	150-317.013	7-31-2010	Amend	9-1-2010
141-142-0030	12-15-2009	Adopt	1-1-2010	150-317.063	7-31-2010	Adopt	9-1-2010
141-142-0035	12-15-2009	Adopt	1-1-2010	150-317.090	2-19-2010	Amend	4-1-2010
141-142-0040	12-15-2009	Adopt	1-1-2010	150-317.097	1-1-2010	Amend	2-1-2010
150-118.140	7-31-2010	Amend	9-1-2010	150-317.326	1-1-2010	Repeal	2-1-2010
150-118.160-(B)	2-19-2010	Amend(T)	4-1-2010	150-323.107	7-31-2010	Amend	9-1-2010
150-118.160-(B)	7-31-2010	Amend	9-1-2010	150-323.130	7-31-2010	Amend	9-1-2010
150-118.225	1-1-2010	Amend	2-1-2010	150-323.500(9)	1-1-2010	Adopt	2-1-2010
150-118.NOTE	5-7-2010	Adopt(T)	6-1-2010	150-323.500(9)	6-30-2010	Amend(T)	7-1-2010
150-118.NOTE	7-31-2010	Adopt	9-1-2010	150-323.500(9)(T)	1-1-2010	Repeal	2-1-2010
150-118.NOTE(T)	7-31-2010	Repeal	9-1-2010	150-323.530	7-31-2010	Amend	9-1-2010
150-285C.170	7-31-2010	Repeal	9-1-2010	150-358.505	1-1-2010	Adopt	2-1-2010
150-294.175(2)-(B)	3-9-2010	Amend(T)	4-1-2010	150-457.430	7-31-2010	Amend	9-1-2010
150-294.450(3)	7-31-2010	Amend	9-1-2010	150-457.440(2)	7-31-2010	Adopt	9-1-2010
150-305.100-(C)	3-19-2010	Adopt	4-1-2010	150-457.440(9)	7-31-2010	Amend	9-1-2010
150-305.100-(C)(T)	3-19-2010	Repeal	4-1-2010	160-001-0000	2-1-2010	Amend	3-1-2010
150-305.220(1)	1-1-2010	Amend	2-1-2010	160-005-0008	1-1-2010	Adopt	2-1-2010
150-305.220(2)	1-1-2010	Amend	2-1-2010	160-010-0010	7-1-2010	Amend	8-1-2010
150-305.230	7-31-2010	Amend	9-1-2010	160-010-0013	7-1-2010	Amend	8-1-2010
150-305.290	1-1-2010	Repeal	2-1-2010	160-010-0014	7-1-2010	Amend	8-1-2010
150-306.126(2)	1-1-2010	Amend	2-1-2010	160-010-0200	1-1-2010	Amend	2-1-2010
150-307.110	7-31-2010	Repeal	9-1-2010	160-010-0210	1-1-2010	Adopt	2-1-2010
150-307.250(1)(b)	1-1-2010	Am. & Ren.	2-1-2010	160-010-0220	1-1-2010	Adopt	2-1-2010
150-307.270(1)-(A)	1-1-2010	Amend	2-1-2010	160-010-0230	1-1-2010	Adopt	2-1-2010
150-307.330	1-1-2010	Amend	2-1-2010	160-010-0240	1-1-2010	Adopt	2-1-2010
150-307.340	7-31-2010	Repeal	9-1-2010	160-040-0103	1-1-2010	Amend	2-1-2010
150-307.547	1-1-2010	Adopt	2-1-2010	160-040-0104	1-1-2010	Amend	2-1-2010
150-308.027	7-31-2010	Repeal	9-1-2010	160-040-0311	1-1-2010	Amend	2-1-2010
150-308.205-(B)	7-31-2010	Am. & Ren.	9-1-2010	160-040-0507	1-1-2010	Adopt	2-1-2010
150-308.225	7-31-2010	Adopt	9-1-2010	160-050-0140	2-27-2010	Amend(T)	3-1-2010
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150-309.100-(D)	1-1-2010	Adopt	2-1-2010	160-050-0215	2-27-2010	Amend(T)	3-1-2010
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150-311.689	1-1-2010	Amend	2-1-2010	160-100-0040	5-3-2010	Amend	6-1-2010
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160-100-0120	7-1-2010	Amend(T)	7-1-2010	161-050-0000	2-1-2010	Amend(T)	3-1-2010
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160-100-0400	1-1-2010	Amend	2-1-2010	161-050-0000(T)	4-23-2010	Repeal	6-1-2010
160-100-0610	1-1-2010	Amend	2-1-2010	161-050-0050	2-1-2010	Amend(T)	3-1-2010
160-100-0700	1-1-2010	Adopt	2-1-2010	161-050-0050	4-23-2010	Amend	6-1-2010
160-100-1110	6-1-2010	Amend	7-1-2010	161-050-0050(T)	4-23-2010	Repeal	6-1-2010
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161-002-0000	4-23-2010	Amend	6-1-2010	162-010-0020	4-1-2010	Amend	5-1-2010
161-002-0000(T)	4-23-2010	Repeal	6-1-2010	162-010-0030	4-1-2010	Amend	5-1-2010
161-010-0010	2-1-2010	Amend(T)	3-1-2010	162-010-0050	4-1-2010	Amend	5-1-2010
161-010-0010	4-23-2010	Amend	6-1-2010	162-010-0130	4-1-2010	Amend	5-1-2010
161-010-0010(T)	4-23-2010	Repeal	6-1-2010	162-010-0150	4-1-2010	Amend	5-1-2010
161-010-0020	2-1-2010	Amend(T)	3-1-2010	162-010-0200	4-1-2010	Amend	5-1-2010
161-010-0020	4-23-2010	Amend	6-1-2010	162-010-0230	4-1-2010	Amend	5-1-2010
161-010-0020(T)	4-23-2010	Repeal	6-1-2010	162-010-0240	4-1-2010	Amend	5-1-2010
161-010-0055	2-1-2010	Suspend	3-1-2010	162-010-0270	4-1-2010	Amend	5-1-2010
161-010-0055	4-23-2010	Repeal	6-1-2010	162-010-0310	4-1-2010	Amend	5-1-2010
161-010-0085	2-1-2010	Amend(T)	3-1-2010	162-010-0316	4-1-2010	Adopt	5-1-2010
161-010-0085	4-23-2010	Amend	6-1-2010	162-010-0330	4-1-2010	Amend	5-1-2010
161-010-0085(T)	4-23-2010	Repeal	6-1-2010	162-040-0000	4-1-2010	Renumber	5-1-2010
161-015-0000	2-1-2010	Amend(T)	3-1-2010	162-040-0001	4-1-2010	Adopt	5-1-2010
161-015-0000	4-23-2010	Amend	6-1-2010	162-040-0020	4-1-2010	Amend	5-1-2010
161-015-0000(T)	4-23-2010	Repeal	6-1-2010	162-040-0060	4-1-2010	Amend	5-1-2010
161-015-0010	2-1-2010	Amend(T)	3-1-2010	162-040-0065	4-1-2010	Amend	5-1-2010
161-015-0010	4-23-2010	Amend	6-1-2010	162-040-0110	4-1-2010	Amend	5-1-2010
161-015-0010(T)	4-23-2010	Repeal	6-1-2010	162-040-0115	4-1-2010	Amend	5-1-2010
161-015-0025	2-1-2010	Amend(T)	3-1-2010	162-040-0130	4-1-2010	Amend	5-1-2010
161-015-0025	4-23-2010	Amend	6-1-2010	162-040-0135	4-1-2010	Amend	5-1-2010
161-015-0025(T)	4-23-2010	Repeal	6-1-2010	162-040-0136	4-1-2010	Adopt	5-1-2010
161-015-0030	2-1-2010	Amend(T)	3-1-2010	162-040-0148	4-1-2010	Amend	5-1-2010
161-015-0030	4-23-2010	Amend	6-1-2010	162-040-0160	4-1-2010	Amend	5-1-2010
161-015-0030(T)	4-23-2010	Repeal	6-1-2010	165-001-0015	12-31-2009	Amend	2-1-2010
161-020-0005	2-1-2010	Amend(T)	3-1-2010	165-001-0025	12-31-2009	Amend	2-1-2010
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161-020-0110	2-1-2010	Amend(T)	3-1-2010	165-001-0045	12-31-2009	Amend	2-1-2010
161-020-0110	4-23-2010	Amend	6-1-2010	165-001-0050	12-31-2009	Amend	2-1-2010
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161-020-0130	2-1-2010	Amend(T)	3-1-2010	165-001-0065	12-31-2009	Repeal	2-1-2010
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173-009-0000	3-25-2010	Amend(T)	5-1-2010	177-200-0010	3-15-2010	Amend(T)	4-1-2010
173-009-0005	3-25-2010	Amend(T)	5-1-2010	177-200-0020	2-1-2010	Amend	3-1-2010
173-009-0010	3-25-2010	Amend(T)	5-1-2010	177-200-0020	3-15-2010	Amend(T)	4-1-2010
173-009-0015	3-25-2010	Amend(T)	5-1-2010	177-200-0032	3-15-2010	Amend(T)	4-1-2010
173-010-0000	3-25-2010	Amend(T)	5-1-2010	177-200-0077	3-15-2010	Adopt(T)	4-1-2010
173-010-0025	3-25-2010	Amend(T)	5-1-2010	190-020-0000	7-1-2010	Amend	8-1-2010
173-011-0000	3-25-2010	Amend(T)	5-1-2010	190-020-0005	7-1-2010	Amend	8-1-2010

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190-020-0010	7-1-2010	Amend	8-1-2010	213-008-0002(T)	7-1-2010	Repeal	8-1-2010
190-020-0012	7-1-2010	Adopt	8-1-2010	213-017-0004	12-13-2009	Amend	1-1-2010
190-020-0013	7-1-2010	Adopt	8-1-2010	213-017-0004	1-1-2010	Amend	2-1-2010
190-020-0015	7-1-2010	Amend	8-1-2010	213-017-0004(T)	12-13-2009	Repeal	1-1-2010
190-020-0025	7-1-2010	Amend	8-1-2010	213-017-0005	1-1-2010	Amend	2-1-2010
190-020-0030	7-1-2010	Amend	8-1-2010	213-017-0006	12-13-2009	Amend	1-1-2010
190-020-0035	7-1-2010	Amend	8-1-2010	213-017-0006	1-1-2010	Amend	2-1-2010
190-020-0040	7-1-2010	Amend	8-1-2010	213-017-0006	6-30-2010	Amend(T)	8-1-2010
190-020-0045	7-1-2010	Repeal	8-1-2010	213-017-0006(T)	12-13-2009	Repeal	1-1-2010
190-020-0050	7-1-2010	Amend	8-1-2010	213-017-0009(T)	1-1-2010	Suspend	1-1-2010
190-020-0055	7-1-2010	Amend	8-1-2010	213-018-0022	12-13-2009	Adopt	1-1-2010
190-020-0060	7-1-2010	Amend	8-1-2010	213-018-0022(T)	12-13-2009	Repeal	1-1-2010
190-020-0065	7-1-2010	Amend	8-1-2010	213-018-0058	1-1-2010	Adopt	2-1-2010
190-020-0070	7-1-2010	Repeal	8-1-2010	250-010-0154	1-15-2010	Amend	2-1-2010
190-020-0074	7-1-2010	Adopt	8-1-2010	250-010-0650	1-5-2010	Amend(T)	2-1-2010
190-020-0080	7-1-2010	Adopt	8-1-2010	250-010-0650	1-15-2010	Amend(T)	2-1-2010
190-020-0085	7-1-2010	Adopt	8-1-2010	250-010-0650	5-6-2010	Amend	6-1-2010
199-001-0000	3-15-2010	Amend	4-1-2010	250-010-0650(T)	1-15-2010	Suspend	2-1-2010
199-001-0005	3-15-2010	Amend	4-1-2010	250-010-0650(T)	5-6-2010	Repeal	6-1-2010
199-001-0007	3-15-2010	Adopt	4-1-2010	250-020-0033	6-1-2010	Amend(T)	6-1-2010
199-001-0010	3-15-2010	Amend	4-1-2010	250-020-0151	6-15-2010	Amend(T)	7-1-2010
199-001-0014	3-15-2010	Adopt	4-1-2010	250-020-0221	1-15-2010	Amend	2-1-2010
199-001-0015	3-15-2010	Adopt	4-1-2010	250-020-0221	5-6-2010	Amend(T)	6-1-2010
199-001-0020	3-15-2010	Amend	4-1-2010	250-020-0240	1-15-2010	Amend	2-1-2010
199-001-0030	8-4-2010	Amend	9-1-2010	250-020-0241	6-1-2010	Amend(T)	7-1-2010
199-001-0035	3-15-2010	Amend	4-1-2010	250-030-0030	1-15-2010	Amend(T)	2-1-2010
199-001-0040	3-15-2010	Amend	4-1-2010	250-030-0030	5-6-2010	Amend	6-1-2010
199-005-0001	3-15-2010	Adopt	4-1-2010	250-030-0030(T)	5-6-2010	Repeal	6-1-2010
199-005-0003	3-15-2010	Adopt	4-1-2010	255-005-0005	7-6-2010	Amend(T)	8-1-2010
199-005-0003	3-15-2010	Amend	4-1-2010	255-030-0027	7-6-2010	Amend(T)	8-1-2010
199-005-0005	3-15-2010	Amend	4-1-2010	255-032-0005	3-26-2010	Amend	5-1-2010
199-005-0010	3-15-2010	Amend	4-1-2010	255-032-0005(T)	3-26-2010	Repeal	5-1-2010
199-005-0015	3-15-2010	Amend	4-1-2010	255-032-0011	3-26-2010	Amend	5-1-2010
199-005-0020	3-15-2010	Amend	4-1-2010	255-032-0011(T)	3-26-2010	Repeal	5-1-2010
199-005-0025	3-15-2010	Amend	4-1-2010	255-032-0015	3-26-2010	Amend	5-1-2010
199-005-0027	3-15-2010	Adopt	4-1-2010	255-032-0015(T)	3-26-2010	Repeal	5-1-2010
199-005-0030	8-4-2010	Amend	9-1-2010	255-032-0025	3-26-2010	Amend	5-1-2010
199-005-0035	3-15-2010	Amend	4-1-2010	255-032-0025(T)	3-26-2010	Repeal	5-1-2010
199-010-0005	3-15-2010	Amend	4-1-2010	255-032-0026	3-26-2010	Repeal	5-1-2010
199-010-0025	3-15-2010	Amend	4-1-2010	255-032-0029	3-26-2010	Amend	5-1-2010
199-010-0035	3-15-2010	Amend	4-1-2010	255-032-0029(T)	3-26-2010	Repeal	5-1-2010
199-010-0060	3-15-2010	Amend	4-1-2010	255-062-0005	1-5-2010	Adopt(T)	2-1-2010
199-010-0070	3-15-2010	Amend	4-1-2010	255-062-0006	7-6-2010	Adopt(T)	8-1-2010
199-010-0075	3-15-2010	Amend	4-1-2010	255-062-0010	1-5-2010	Adopt(T)	2-1-2010
199-010-0080	3-15-2010	Amend	4-1-2010	255-062-0011	7-6-2010	Adopt(T)	8-1-2010
199-010-0085	3-15-2010	Amend	4-1-2010	255-062-0015	1-5-2010	Adopt(T)	2-1-2010
199-010-0090	3-15-2010	Amend	4-1-2010	255-062-0016	7-6-2010	Adopt(T)	8-1-2010
199-010-0095	3-15-2010	Amend	4-1-2010	255-062-0020	1-5-2010	Adopt(T)	2-1-2010
199-010-0100	3-15-2010	Amend	4-1-2010	255-062-0021	7-6-2010	Adopt(T)	8-1-2010
199-010-0150	3-15-2010	Amend	4-1-2010	255-062-0025	1-5-2010	Adopt(T)	2-1-2010
199-020-0005	3-15-2010	Amend	4-1-2010	255-062-0026	7-6-2010	Adopt(T)	8-1-2010
199-020-0008	3-15-2010	Adopt	4-1-2010	255-062-0030	1-5-2010	Adopt(T)	2-1-2010
213-003-0001	1-1-2010	Amend	2-1-2010	255-062-0031	7-6-2010	Adopt(T)	8-1-2010
213-003-0001(T)	1-1-2010	Repeal	2-1-2010	255-070-0001	1-1-2010	Amend	2-1-2010
213-008-0002	4-15-2010	Amend(T)	5-1-2010	255-094-0000	2-26-2010	Am. & Ren.	4-1-2010
213-008-0002	7-1-2010	Amend	8-1-2010	255-094-0002	2-26-2010	Adopt	4-1-2010

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255-094-0015	2-26-2010	Amend	4-1-2010	257-050-0115(T)	6-30-2010	Repeal	7-1-2010
255-094-0020	2-26-2010	Amend	4-1-2010	257-050-0125	1-1-2010	Amend(T)	2-1-2010
257-001-0005	1-1-2010	Amend(T)	2-1-2010	257-050-0125	6-30-2010	Amend	7-1-2010
257-001-0005	6-30-2010	Amend	7-1-2010	257-050-0125(T)	6-30-2010	Repeal	7-1-2010
257-001-0005(T)	6-30-2010	Repeal	7-1-2010	257-050-0130	1-1-2010	Amend(T)	2-1-2010
257-010-0015	7-1-2010	Amend(T)	8-1-2010	257-050-0130	6-30-2010	Amend	7-1-2010
257-010-0020	7-1-2010	Amend(T)	8-1-2010	257-050-0130(T)	6-30-2010	Repeal	7-1-2010
257-010-0025	7-1-2010	Amend(T)	8-1-2010	257-050-0140	1-1-2010	Amend(T)	2-1-2010
257-010-0045	7-1-2010	Amend(T)	8-1-2010	257-050-0140	6-30-2010	Amend	7-1-2010
257-010-0050	7-1-2010	Amend(T)	8-1-2010	257-050-0140(T)	6-30-2010	Repeal	7-1-2010
257-010-0055	5-28-2010	Amend(T)	7-1-2010	257-050-0145	1-1-2010	Amend(T)	2-1-2010
257-045-0010	1-1-2010	Adopt(T)	2-1-2010	257-050-0145	6-30-2010	Amend	7-1-2010
257-045-0010	6-30-2010	Adopt	7-1-2010	257-050-0145(T)	6-30-2010	Repeal	7-1-2010
257-045-0010(T)	6-30-2010	Repeal	7-1-2010	257-050-0150	1-1-2010	Amend(T)	2-1-2010
257-045-0020	1-1-2010	Adopt(T)	2-1-2010	257-050-0150	6-30-2010	Amend	7-1-2010
257-045-0020	6-30-2010	Adopt	7-1-2010	257-050-0150(T)	6-30-2010	Repeal	7-1-2010
257-045-0020(T)	6-30-2010	Repeal	7-1-2010	257-050-0155	1-1-2010	Amend(T)	2-1-2010
257-045-0030	1-1-2010	Adopt(T)	2-1-2010	257-050-0155	6-30-2010	Amend	7-1-2010
257-045-0030	6-30-2010	Adopt	7-1-2010	257-050-0155	7-14-2010	Amend(T)	8-1-2010
257-045-0030(T)	6-30-2010	Repeal	7-1-2010	257-050-0155(T)	6-30-2010	Repeal	7-1-2010
257-045-0040	1-1-2010	Adopt(T)	2-1-2010	257-050-0157	1-1-2010	Amend(T)	2-1-2010
257-045-0040	6-30-2010	Adopt	7-1-2010	257-050-0157	6-30-2010	Amend	7-1-2010
257-045-0040(T)	6-30-2010	Repeal	7-1-2010	257-050-0157	7-14-2010	Amend(T)	8-1-2010
257-045-0050	1-1-2010	Adopt(T)	2-1-2010	257-050-0157(T)	6-30-2010	Repeal	7-1-2010
257-045-0050	6-30-2010	Adopt	7-1-2010	257-050-0170	1-1-2010	Amend(T)	2-1-2010
257-045-0050(T)	6-30-2010	Repeal	7-1-2010	257-050-0170	6-30-2010	Amend	7-1-2010
257-050-0020	1-1-2010	Amend(T)	2-1-2010	257-050-0170(T)	6-30-2010	Repeal	7-1-2010
257-050-0020	6-30-2010	Amend	7-1-2010	257-050-0180	1-1-2010	Amend(T)	2-1-2010
257-050-0020(T)	6-30-2010	Repeal	7-1-2010	257-050-0180	6-30-2010	Amend	7-1-2010
257-050-0040	1-1-2010	Amend(T)	2-1-2010	257-050-0180(T)	6-30-2010	Repeal	7-1-2010
257-050-0040	6-30-2010	Amend	7-1-2010	257-050-0200	1-1-2010	Amend(T)	2-1-2010
257-050-0040(T)	6-30-2010	Repeal	7-1-2010	257-050-0200	6-30-2010	Amend	7-1-2010
257-050-0050	1-1-2010	Amend(T)	2-1-2010	257-050-0200(T)	6-30-2010	Repeal	7-1-2010
257-050-0050	6-30-2010	Amend	7-1-2010	259-006-0000	6-2-2010	Amend	7-1-2010
257-050-0050	7-14-2010	Amend(T)	8-1-2010	259-007-0000	6-2-2010	Amend	7-1-2010
257-050-0050(T)	6-30-2010	Repeal	7-1-2010	259-008-0000	12-15-2009	Amend	1-1-2010
257-050-0060	1-1-2010	Amend(T)	2-1-2010	259-008-0005	8-1-2010	Amend	8-1-2010
257-050-0060	6-30-2010	Amend	7-1-2010	259-008-0015	1-11-2010	Amend	2-1-2010
257-050-0060(T)	6-30-2010	Repeal	7-1-2010	259-008-0015	3-15-2010	Amend	4-1-2010
257-050-0070	1-1-2010	Amend(T)	2-1-2010	259-008-0017	5-1-2010	Adopt	5-1-2010
257-050-0070	6-30-2010	Amend	7-1-2010	259-008-0020	8-1-2010	Amend	8-1-2010
257-050-0070(T)	6-30-2010	Repeal	7-1-2010	259-008-0025	12-15-2009	Amend	1-1-2010
257-050-0090	1-1-2010	Amend(T)	2-1-2010	259-008-0025	5-1-2010	Amend	5-1-2010
257-050-0090	6-30-2010	Amend	7-1-2010	259-008-0025(T)	12-15-2009	Repeal	1-1-2010
257-050-0090(T)	6-30-2010	Repeal	7-1-2010	259-008-0030	8-1-2010	Amend	8-1-2010
257-050-0095	1-1-2010	Amend(T)	2-1-2010	259-008-0040	5-1-2010	Amend	5-1-2010
257-050-0095	6-30-2010	Amend	7-1-2010	259-008-0060	1-11-2010	Amend	2-1-2010
257-050-0095(T)	6-30-2010	Repeal	7-1-2010	259-008-0060	3-15-2010	Amend	4-1-2010
257-050-0100	1-1-2010	Amend(T)	2-1-2010	259-008-0060	6-2-2010	Amend	7-1-2010
257-050-0100	6-30-2010	Amend	7-1-2010	259-008-0060	8-1-2010	Amend	8-1-2010
257-050-0100(T)	6-30-2010	Repeal	7-1-2010	259-008-0060	8-13-2010	Amend	9-1-2010
257-050-0110	1-1-2010	Amend(T)	2-1-2010	259-008-0064	1-11-2010	Amend	2-1-2010
257-050-0110	6-30-2010	Amend	7-1-2010	259-008-0064	3-15-2010	Amend	4-1-2010
257-050-0110(T)	6-30-2010	Repeal	7-1-2010	259-008-0064	8-1-2010	Amend	8-1-2010
257-050-0115	1-1-2010	Amend(T)	2-1-2010	259-008-0065	8-1-2010	Amend	8-1-2010

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259-008-0075	5-1-2010	Amend	5-1-2010	291-097-0020	7-14-2010	Amend	8-1-2010
259-008-0076	8-1-2010	Amend	8-1-2010	291-097-0020(T)	7-14-2010	Repeal	8-1-2010
259-009-0005	12-15-2009	Amend(T)	1-1-2010	291-097-0023	11-20-2009	Adopt	1-1-2010
259-009-0005	6-14-2010	Amend	7-1-2010	291-097-0023	4-14-2010	Amend(T)	5-1-2010
259-009-0062	12-15-2009	Amend(T)	1-1-2010	291-097-0023	7-14-2010	Amend	8-1-2010
259-009-0062	6-14-2010	Amend	7-1-2010	291-097-0023(T)	7-14-2010	Repeal	8-1-2010
259-009-0070	8-1-2010	Amend	8-1-2010	291-097-0025	11-20-2009	Amend	1-1-2010
259-030-0000	6-2-2010	Amend	7-1-2010	291-097-0025	4-14-2010	Amend(T)	5-1-2010
259-060-0500	7-1-2010	Amend(T)	7-1-2010	291-097-0025	7-14-2010	Amend	8-1-2010
274-006-0001	1-1-2010	Adopt	2-1-2010	291-097-0025(T)	7-14-2010	Repeal	8-1-2010
274-006-0002	1-1-2010	Adopt	2-1-2010	291-097-0030	4-14-2010	Amend(T)	5-1-2010
274-006-0004	1-1-2010	Adopt	2-1-2010	291-097-0030	7-14-2010	Amend	8-1-2010
274-006-0005	1-1-2010	Adopt	2-1-2010	291-097-0030(T)	7-14-2010	Repeal	8-1-2010
274-006-0010	1-1-2010	Adopt	2-1-2010	291-097-0040	11-20-2009	Amend	1-1-2010
274-006-0011	1-1-2010	Adopt	2-1-2010	291-097-0040	4-14-2010	Amend(T)	5-1-2010
274-006-0012	1-1-2010	Adopt	2-1-2010	291-097-0040	7-14-2010	Amend	8-1-2010
274-006-0013	1-1-2010	Adopt	2-1-2010	291-097-0040(T)	7-14-2010	Repeal	8-1-2010
274-006-0014	1-1-2010	Adopt	2-1-2010	291-097-0080	11-20-2009	Amend	1-1-2010
274-006-0015	1-1-2010	Adopt	2-1-2010	291-097-0100	11-20-2009	Amend	1-1-2010
274-006-0018	1-1-2010	Adopt	2-1-2010	291-157-0005	4-6-2010	Amend	5-1-2010
274-006-0020	1-1-2010	Adopt	2-1-2010	291-157-0005(T)	4-6-2010	Repeal	5-1-2010
274-007-0001	6-1-2010	Adopt(T)	7-1-2010	291-157-0010	4-6-2010	Amend	5-1-2010
274-007-0001	7-26-2010	Adopt	9-1-2010	291-157-0010(T)	4-6-2010	Repeal	5-1-2010
274-007-0001(T)	7-26-2010	Repeal	9-1-2010	291-157-0015	4-6-2010	Amend	5-1-2010
274-007-0002	7-26-2010	Adopt	9-1-2010	291-157-0015(T)	4-6-2010	Repeal	5-1-2010
291-015-0100	7-14-2010	Amend(T)	8-1-2010	291-157-0020	4-6-2010	Repeal	5-1-2010
291-015-0105	7-14-2010	Amend(T)	8-1-2010	291-157-0021	4-6-2010	Adopt	5-1-2010
291-015-0110	7-14-2010	Amend(T)	8-1-2010	291-157-0021(T)	4-6-2010	Repeal	5-1-2010
291-015-0115	7-14-2010	Amend(T)	8-1-2010	291-157-0025	4-6-2010	Repeal	5-1-2010
291-015-0120	7-14-2010	Amend(T)	8-1-2010	291-157-0035	4-6-2010	Amend	5-1-2010
291-015-0125	7-14-2010	Amend(T)	8-1-2010	291-157-0035(T)	4-6-2010	Repeal	5-1-2010
291-015-0130	7-14-2010	Suspend	8-1-2010	291-157-0041	4-6-2010	Repeal	5-1-2010
291-015-0135	7-14-2010	Amend(T)	8-1-2010	291-157-0055	4-6-2010	Repeal	5-1-2010
291-015-0140	7-14-2010	Suspend	8-1-2010	291-180-0274	1-4-2010	Adopt(T)	2-1-2010
291-015-0145	7-14-2010	Suspend	8-1-2010	291-180-0274	6-10-2010	Adopt	7-1-2010
291-015-0150	7-14-2010	Suspend	8-1-2010	291-206-0005	2-24-2010	Adopt	4-1-2010
291-058-0046	2-24-2010	Amend	4-1-2010	291-206-0005	3-23-2010	Amend(T)	5-1-2010
291-070-0130	11-20-2009	Amend	1-1-2010	291-206-0010	2-24-2010	Adopt	4-1-2010
291-084-0010	11-20-2009	Repeal	1-1-2010	291-206-0010	3-23-2010	Amend(T)	5-1-2010
291-084-0020	11-20-2009	Repeal	1-1-2010	291-206-0015	2-24-2010	Adopt	4-1-2010
291-084-0030	11-20-2009	Repeal	1-1-2010	291-206-0015	3-23-2010	Amend(T)	5-1-2010
291-084-0040	11-20-2009	Repeal	1-1-2010	291-206-0020	2-24-2010	Adopt	4-1-2010
291-097-0005	11-20-2009	Amend	1-1-2010	291-206-0020	3-23-2010	Amend(T)	5-1-2010
291-097-0005	4-14-2010	Amend(T)	5-1-2010	291-206-0025	2-24-2010	Adopt	4-1-2010
291-097-0005	7-14-2010	Amend	8-1-2010	291-206-0025	3-23-2010	Amend(T)	5-1-2010
291-097-0005(T)	7-14-2010	Repeal	8-1-2010	291-206-0030	2-24-2010	Adopt	4-1-2010
291-097-0010	11-20-2009	Amend	1-1-2010	309-011-0105	7-1-2010	Adopt	8-1-2010
291-097-0010	4-14-2010	Amend(T)	5-1-2010	309-011-0110	7-1-2010	Adopt	8-1-2010
291-097-0010	7-14-2010	Amend	8-1-2010	309-011-0115	7-1-2010	Adopt	8-1-2010
291-097-0010(T)	7-14-2010	Repeal	8-1-2010	309-011-0120	7-22-2010	Adopt	9-1-2010
291-097-0015	11-20-2009	Amend	1-1-2010	309-011-0125	7-22-2010	Adopt	9-1-2010
291-097-0015	4-14-2010	Amend(T)	5-1-2010	309-011-0130	7-22-2010	Adopt	9-1-2010
291-097-0015	7-14-2010	Amend	8-1-2010	309-011-0135	7-22-2010	Adopt	9-1-2010
291-097-0015(T)	7-14-2010	Repeal	8-1-2010	309-011-0140	7-22-2010	Adopt	9-1-2010
291-097-0020	11-20-2009	Amend	1-1-2010	309-016-0000	3-4-2010	Amend(T)	4-1-2010

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309-016-0000(T)	7-1-2010	Suspend	7-1-2010	309-016-0230	3-4-2010	Suspend	4-1-2010
309-016-0005	3-4-2010	Amend(T)	4-1-2010	309-016-0300	3-4-2010	Suspend	4-1-2010
309-016-0005(T)	7-1-2010	Suspend	7-1-2010	309-016-0310	3-4-2010	Suspend	4-1-2010
309-016-0010	3-4-2010	Amend(T)	4-1-2010	309-016-0320	3-4-2010	Suspend	4-1-2010
309-016-0010(T)	7-1-2010	Suspend	7-1-2010	309-016-0330	3-4-2010	Suspend	4-1-2010
309-016-0015	3-4-2010	Amend(T)	4-1-2010	309-016-0340	3-4-2010	Suspend	4-1-2010
309-016-0015(T)	7-1-2010	Suspend	7-1-2010	309-016-0350	3-4-2010	Suspend	4-1-2010
309-016-0020	3-4-2010	Amend(T)	4-1-2010	309-016-0360	3-4-2010	Suspend	4-1-2010
309-016-0020(T)	7-1-2010	Suspend	7-1-2010	309-016-0370	3-4-2010	Suspend	4-1-2010
309-016-0027	3-4-2010	Suspend	4-1-2010	309-016-0380	3-4-2010	Suspend	4-1-2010
309-016-0030	3-4-2010	Amend(T)	4-1-2010	309-016-0390	3-4-2010	Suspend	4-1-2010
309-016-0030(T)	7-1-2010	Suspend	7-1-2010	309-016-0400	3-4-2010	Suspend	4-1-2010
309-016-0035	3-4-2010	Amend(T)	4-1-2010	309-016-0410	3-4-2010	Suspend	4-1-2010
309-016-0035(T)	7-1-2010	Suspend	7-1-2010	309-016-0420	3-4-2010	Suspend	4-1-2010
309-016-0040	3-4-2010	Amend(T)	4-1-2010	309-016-0430	3-4-2010	Suspend	4-1-2010
309-016-0040(T)	7-1-2010	Suspend	7-1-2010	309-016-0440	3-4-2010	Suspend	4-1-2010
309-016-0070	3-4-2010	Amend(T)	4-1-2010	309-016-0450	3-4-2010	Suspend	4-1-2010
309-016-0070(T)	7-1-2010	Suspend	7-1-2010	309-016-0600	7-1-2010	Adopt(T)	7-1-2010
309-016-0072	3-4-2010	Amend(T)	4-1-2010	309-016-0605	7-1-2010	Adopt(T)	7-1-2010
309-016-0072(T)	7-1-2010	Suspend	7-1-2010	309-016-0610	7-1-2010	Adopt(T)	7-1-2010
309-016-0075	3-4-2010	Amend(T)	4-1-2010	309-016-0615	7-1-2010	Adopt(T)	7-1-2010
309-016-0075(T)	7-1-2010	Suspend	7-1-2010	309-016-0620	7-1-2010	Adopt(T)	7-1-2010
309-016-0077	3-4-2010	Amend(T)	4-1-2010	309-016-0625	7-1-2010	Adopt(T)	7-1-2010
309-016-0077(T)	7-1-2010	Suspend	7-1-2010	309-016-0630	7-1-2010	Adopt(T)	7-1-2010
309-016-0080	3-4-2010	Amend(T)	4-1-2010	309-016-0635	7-1-2010	Adopt(T)	7-1-2010
309-016-0080(T)	7-1-2010	Suspend	7-1-2010	309-016-0640	7-1-2010	Adopt(T)	7-1-2010
309-016-0085	3-4-2010	Amend(T)	4-1-2010	309-016-0645	7-1-2010	Adopt(T)	7-1-2010
309-016-0085(T)	7-1-2010	Suspend	7-1-2010	309-016-0650	7-1-2010	Adopt(T)	7-1-2010
309-016-0088	3-4-2010	Amend(T)	4-1-2010	309-016-0660	7-1-2010	Adopt(T)	7-1-2010
309-016-0088(T)	7-1-2010	Suspend	7-1-2010	309-016-0665	7-1-2010	Adopt(T)	7-1-2010
309-016-0095	3-4-2010	Amend(T)	4-1-2010	309-016-0670	7-1-2010	Adopt(T)	7-1-2010
309-016-0095(T)	7-1-2010	Suspend	7-1-2010	309-016-0675	7-1-2010	Adopt(T)	7-1-2010
309-016-0100	3-4-2010	Amend(T)	4-1-2010	309-016-0680	7-1-2010	Adopt(T)	7-1-2010
309-016-0100(T)	7-1-2010	Suspend	7-1-2010	309-016-0685	7-1-2010	Adopt(T)	7-1-2010
309-016-0102	3-4-2010	Amend(T)	4-1-2010	309-016-0690	7-1-2010	Adopt(T)	7-1-2010
309-016-0102(T)	7-1-2010	Suspend	7-1-2010	309-016-0695	7-1-2010	Adopt(T)	7-1-2010
309-016-0105	3-4-2010	Amend(T)	4-1-2010	309-016-0700	7-1-2010	Adopt(T)	7-1-2010
309-016-0105(T)	7-1-2010	Suspend	7-1-2010	309-016-0705	7-1-2010	Adopt(T)	7-1-2010
309-016-0110	3-4-2010	Amend(T)	4-1-2010	309-016-0710	7-1-2010	Adopt(T)	7-1-2010
309-016-0110(T)	7-1-2010	Suspend	7-1-2010	309-016-0715	7-1-2010	Adopt(T)	7-1-2010
309-016-0115	3-4-2010	Amend(T)	4-1-2010	309-016-0720	7-1-2010	Adopt(T)	7-1-2010
309-016-0115(T)	7-1-2010	Suspend	7-1-2010	309-016-0725	7-1-2010	Adopt(T)	7-1-2010
309-016-0120	3-4-2010	Amend(T)	4-1-2010	309-016-0730	7-1-2010	Adopt(T)	7-1-2010
309-016-0120(T)	7-1-2010	Suspend	7-1-2010	309-016-0735	7-1-2010	Adopt(T)	7-1-2010
309-016-0130	3-4-2010	Suspend	4-1-2010	309-016-0740	7-1-2010	Adopt(T)	7-1-2010
309-016-0140	3-4-2010	Amend(T)	4-1-2010	309-016-0745	7-1-2010	Adopt(T)	7-1-2010
309-016-0140(T)	7-1-2010	Suspend	7-1-2010	309-016-0750	7-1-2010	Adopt(T)	7-1-2010
309-016-0150	3-4-2010	Suspend	4-1-2010	309-016-0755	7-1-2010	Adopt(T)	7-1-2010
309-016-0160	3-4-2010	Suspend	4-1-2010	309-032-0001	3-4-2010	Repeal	4-1-2010
309-016-0170	3-4-2010	Suspend	4-1-2010	309-032-0070	3-4-2010	Repeal	4-1-2010
309-016-0180	3-4-2010	Suspend	4-1-2010	309-032-0075	3-4-2010	Repeal	4-1-2010
309-016-0190	3-4-2010	Suspend	4-1-2010	309-032-0080	3-4-2010	Repeal	4-1-2010
309-016-0200	3-4-2010	Suspend	4-1-2010	309-032-0085	3-4-2010	Repeal	4-1-2010
309-016-0210	3-4-2010	Suspend	4-1-2010	309-032-0090	3-4-2010	Repeal	4-1-2010
309-016-0220	3-4-2010	Amend(T)	4-1-2010	309-032-0095	3-4-2010	Repeal	4-1-2010
309-016-0220(T)	7-1-2010	Suspend	7-1-2010	309-032-0100	3-4-2010	Repeal	4-1-2010

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309-032-0105	3-4-2010	Repeal	4-1-2010	309-032-1070	3-4-2010	Repeal	4-1-2010
309-032-0110	3-4-2010	Repeal	4-1-2010	309-032-1080	3-4-2010	Repeal	4-1-2010
309-032-0115	3-4-2010	Repeal	4-1-2010	309-032-1095	3-4-2010	Repeal	4-1-2010
309-032-0220	3-4-2010	Repeal	4-1-2010	309-032-1100	3-4-2010	Repeal	4-1-2010
309-032-0225	3-4-2010	Repeal	4-1-2010	309-032-1110	3-4-2010	Repeal	4-1-2010
309-032-0230	3-4-2010	Repeal	4-1-2010	309-032-1120	3-4-2010	Repeal	4-1-2010
309-032-0235	3-4-2010	Repeal	4-1-2010	309-032-1130	3-4-2010	Repeal	4-1-2010
309-032-0240	3-4-2010	Repeal	4-1-2010	309-032-1140	3-4-2010	Repeal	4-1-2010
309-032-0245	3-4-2010	Repeal	4-1-2010	309-032-1150	3-4-2010	Repeal	4-1-2010
309-032-0250	3-4-2010	Repeal	4-1-2010	309-032-1160	3-4-2010	Repeal	4-1-2010
309-032-0455	3-4-2010	Repeal	4-1-2010	309-032-1170	3-4-2010	Repeal	4-1-2010
309-032-0460	3-4-2010	Repeal	4-1-2010	309-032-1180	3-4-2010	Repeal	4-1-2010
309-032-0465	3-4-2010	Repeal	4-1-2010	309-032-1190	3-4-2010	Repeal	4-1-2010
309-032-0470	3-4-2010	Repeal	4-1-2010	309-032-1200	3-4-2010	Repeal	4-1-2010
309-032-0475	3-4-2010	Repeal	4-1-2010	309-032-1210	3-4-2010	Repeal	4-1-2010
309-032-0480	3-4-2010	Repeal	4-1-2010	309-032-1220	3-4-2010	Repeal	4-1-2010
309-032-0485	3-4-2010	Repeal	4-1-2010	309-032-1230	3-4-2010	Repeal	4-1-2010
309-032-0490	3-4-2010	Repeal	4-1-2010	309-032-1240	3-4-2010	Repeal	4-1-2010
309-032-0495	3-4-2010	Repeal	4-1-2010	309-032-1245	3-4-2010	Repeal	4-1-2010
309-032-0500	3-4-2010	Repeal	4-1-2010	309-032-1250	3-4-2010	Repeal	4-1-2010
309-032-0505	3-4-2010	Repeal	4-1-2010	309-032-1255	3-4-2010	Repeal	4-1-2010
309-032-0510	3-4-2010	Repeal	4-1-2010	309-032-1260	3-4-2010	Repeal	4-1-2010
309-032-0515	3-4-2010	Repeal	4-1-2010	309-032-1265	3-4-2010	Repeal	4-1-2010
309-032-0525	3-4-2010	Repeal	4-1-2010	309-032-1270	3-4-2010	Repeal	4-1-2010
309-032-0535	3-4-2010	Repeal	4-1-2010	309-032-1275	3-4-2010	Repeal	4-1-2010
309-032-0545	3-4-2010	Repeal	4-1-2010	309-032-1280	3-4-2010	Repeal	4-1-2010
309-032-0555	3-4-2010	Repeal	4-1-2010	309-032-1285	3-4-2010	Repeal	4-1-2010
309-032-0565	3-4-2010	Repeal	4-1-2010	309-032-1290	3-4-2010	Repeal	4-1-2010
309-032-0575	3-4-2010	Repeal	4-1-2010	309-032-1295	3-4-2010	Repeal	4-1-2010
309-032-0585	3-4-2010	Repeal	4-1-2010	309-032-1300	3-4-2010	Repeal	4-1-2010
309-032-0595	3-4-2010	Repeal	4-1-2010	309-032-1305	3-4-2010	Repeal	4-1-2010
309-032-0605	3-4-2010	Repeal	4-1-2010	309-032-1500	3-4-2010	Adopt	4-1-2010
309-032-0720	3-4-2010	Repeal	4-1-2010	309-032-1505	3-4-2010	Adopt	4-1-2010
309-032-0730	3-4-2010	Repeal	4-1-2010	309-032-1510	3-4-2010	Adopt	4-1-2010
309-032-0740	3-4-2010	Repeal	4-1-2010	309-032-1515	3-4-2010	Adopt	4-1-2010
309-032-0750	3-4-2010	Repeal	4-1-2010	309-032-1520	3-4-2010	Adopt	4-1-2010
309-032-0760	3-4-2010	Repeal	4-1-2010	309-032-1525	3-4-2010	Adopt	4-1-2010
309-032-0770	3-4-2010	Repeal	4-1-2010	309-032-1530	3-4-2010	Adopt	4-1-2010
309-032-0780	3-4-2010	Repeal	4-1-2010	309-032-1535	3-4-2010	Adopt	4-1-2010
309-032-0790	3-4-2010	Repeal	4-1-2010	309-032-1540	3-4-2010	Adopt	4-1-2010
309-032-0800	3-4-2010	Repeal	4-1-2010	309-032-1545	3-4-2010	Adopt	4-1-2010
309-032-0810	3-4-2010	Repeal	4-1-2010	309-032-1550	3-4-2010	Adopt	4-1-2010
309-032-0820	3-4-2010	Repeal	4-1-2010	309-032-1555	3-4-2010	Adopt	4-1-2010
309-032-0820	3-4-2010	Repeal	4-1-2010	309-032-1560	3-4-2010	Adopt	4-1-2010
309-032-0950	3-4-2010	Repeal	4-1-2010	309-032-1565	3-4-2010	Adopt	4-1-2010
309-032-0960	3-4-2010	Repeal	4-1-2010	309-033-0270	12-17-2009	Amend	2-1-2010
309-032-0970	3-4-2010	Repeal	4-1-2010	309-034-0150	3-4-2010	Amend(T)	4-1-2010
309-032-0980	3-4-2010	Repeal	4-1-2010	309-034-0160	3-4-2010	Amend(T)	4-1-2010
309-032-0990	3-4-2010	Repeal	4-1-2010	309-034-0170	3-4-2010	Amend(T)	4-1-2010
309-032-1000	3-4-2010	Repeal	4-1-2010	309-034-0180	3-4-2010	Amend(T)	4-1-2010
309-032-1010	3-4-2010	Repeal	4-1-2010	309-034-0190	3-4-2010	Amend(T)	4-1-2010
309-032-1020	3-4-2010	Repeal	4-1-2010	309-034-0205	3-4-2010	Amend(T)	4-1-2010
309-032-1030	3-4-2010	Repeal	4-1-2010	309-034-0210	3-4-2010	Amend(T)	4-1-2010
309-032-1040	3-4-2010	Repeal	4-1-2010	309-034-0240	3-4-2010	Amend(T)	4-1-2010
309-032-1050	3-4-2010	Repeal	4-1-2010	309-034-0250	3-4-2010	Amend(T)	4-1-2010
309-032-1060	3-4-2010	Repeal	4-1-2010	309-034-0260	3-4-2010	Amend(T)	4-1-2010

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309-034-0290	3-4-2010	Amend(T)	4-1-2010	309-041-0830	12-9-2009	Renumber	1-1-2010
309-034-0310	3-4-2010	Amend(T)	4-1-2010	309-114-0005	12-28-2009	Amend	2-1-2010
309-034-0320	3-4-2010	Amend(T)	4-1-2010	309-114-0005	3-12-2010	Amend(T)	4-1-2010
309-034-0400	3-4-2010	Amend(T)	4-1-2010	309-114-0020	3-24-2010	Amend(T)	5-1-2010
309-034-0410	3-4-2010	Amend(T)	4-1-2010	325-030-0001	4-26-2010	Adopt	6-1-2010
309-034-0420	3-4-2010	Amend(T)	4-1-2010	325-030-0005	4-26-2010	Adopt	6-1-2010
309-034-0430	3-4-2010	Amend(T)	4-1-2010	325-030-0010	4-26-2010	Adopt	6-1-2010
309-034-0440	3-4-2010	Amend(T)	4-1-2010	325-030-0015	4-26-2010	Adopt	6-1-2010
309-034-0450	3-4-2010	Amend(T)	4-1-2010	325-030-0020	4-26-2010	Adopt	6-1-2010
309-034-0460	3-4-2010	Amend(T)	4-1-2010	325-030-0025	4-26-2010	Adopt	6-1-2010
309-034-0470	3-4-2010	Amend(T)	4-1-2010	325-030-0030	4-26-2010	Adopt	6-1-2010
309-034-0480	3-4-2010	Amend(T)	4-1-2010	325-030-0035	4-26-2010	Adopt	6-1-2010
309-034-0490	3-4-2010	Amend(T)	4-1-2010	325-030-0040	4-26-2010	Adopt	6-1-2010
309-035-0155	12-17-2009	Amend	2-1-2010	325-030-0045	4-26-2010	Adopt	6-1-2010
309-035-0380	12-17-2009	Amend	2-1-2010	325-030-0050	4-26-2010	Adopt	6-1-2010
309-036-0100	6-7-2010	Amend	7-1-2010	325-030-0055	4-26-2010	Adopt	6-1-2010
309-036-0105	6-7-2010	Amend	7-1-2010	325-030-0060	4-26-2010	Adopt	6-1-2010
309-036-0110	6-7-2010	Amend	7-1-2010	330-001-0005	1-27-2010	Amend	3-1-2010
309-036-0115	6-7-2010	Amend	7-1-2010	330-001-0025	1-27-2010	Adopt	3-1-2010
309-036-0120	6-7-2010	Amend	7-1-2010	330-063-0000	7-1-2010	Adopt	8-1-2010
309-036-0125	6-7-2010	Repeal	7-1-2010	330-063-0010	7-1-2010	Adopt	8-1-2010
309-036-0130	6-7-2010	Adopt	7-1-2010	330-063-0020	7-1-2010	Adopt	8-1-2010
309-036-0135	6-7-2010	Adopt	7-1-2010	330-063-0030	7-1-2010	Adopt	8-1-2010
309-036-0140	6-7-2010	Adopt	7-1-2010	330-063-0040	7-1-2010	Adopt	8-1-2010
309-040-0410	1-29-2010	Amend	3-1-2010	330-070-0010	7-1-2010	Amend(T)	8-1-2010
309-040-0410(T)	1-29-2010	Repeal	3-1-2010	330-070-0013	7-1-2010	Amend(T)	8-1-2010
309-041-0550	12-9-2009	Renumber	1-1-2010	330-070-0019	7-30-2010	Adopt(T)	9-1-2010
309-041-0560	12-9-2009	Renumber	1-1-2010	330-070-0022	7-1-2010	Amend(T)	8-1-2010
309-041-0570	12-9-2009	Renumber	1-1-2010	330-075-0005	12-21-2009	Amend(T)	2-1-2010
309-041-0580	12-9-2009	Renumber	1-1-2010	330-075-0005	6-16-2010	Amend	8-1-2010
309-041-0590	12-9-2009	Renumber	1-1-2010	330-075-0005(T)	6-16-2010	Repeal	8-1-2010
309-041-0600	12-9-2009	Renumber	1-1-2010	330-075-0010	12-21-2009	Amend(T)	2-1-2010
309-041-0610	12-9-2009	Renumber	1-1-2010	330-075-0010	6-16-2010	Repeal	8-1-2010
309-041-0620	12-9-2009	Renumber	1-1-2010	330-075-0015	12-21-2009	Amend(T)	2-1-2010
309-041-0630	12-9-2009	Renumber	1-1-2010	330-075-0015	6-16-2010	Amend	8-1-2010
309-041-0640	12-9-2009	Renumber	1-1-2010	330-075-0015(T)	6-16-2010	Repeal	8-1-2010
309-041-0650	12-9-2009	Renumber	1-1-2010	330-075-0025	12-21-2009	Amend(T)	2-1-2010
309-041-0660	12-9-2009	Renumber	1-1-2010	330-075-0025	6-16-2010	Amend	8-1-2010
309-041-0670	12-9-2009	Renumber	1-1-2010	330-075-0025(T)	6-16-2010	Repeal	8-1-2010
309-041-0680	12-9-2009	Renumber	1-1-2010	330-075-0030	12-21-2009	Suspend	2-1-2010
309-041-0690	12-9-2009	Renumber	1-1-2010	330-075-0035	12-21-2009	Amend(T)	2-1-2010
309-041-0700	12-9-2009	Renumber	1-1-2010	330-075-0035	6-16-2010	Amend	8-1-2010
309-041-0710	12-9-2009	Renumber	1-1-2010	330-075-0035(T)	6-16-2010	Repeal	8-1-2010
309-041-0715	12-9-2009	Renumber	1-1-2010	330-090-0105	4-30-2010	Amend	6-1-2010
309-041-0720	12-9-2009	Renumber	1-1-2010	330-090-0105	5-27-2010	Amend(T)	7-1-2010
309-041-0730	12-9-2009	Renumber	1-1-2010	330-090-0105(T)	4-30-2010	Repeal	6-1-2010
309-041-0740	12-9-2009	Renumber	1-1-2010	330-090-0110	4-30-2010	Amend	6-1-2010
309-041-0750	12-9-2009	Renumber	1-1-2010	330-090-0110	5-27-2010	Amend(T)	7-1-2010
309-041-0760	12-9-2009	Renumber	1-1-2010	330-090-0110(T)	4-30-2010	Repeal	6-1-2010
309-041-0770	12-9-2009	Renumber	1-1-2010	330-090-0120	4-30-2010	Amend	6-1-2010
309-041-0780	12-9-2009	Renumber	1-1-2010	330-090-0120	5-27-2010	Amend(T)	7-1-2010
309-041-0790	12-9-2009	Renumber	1-1-2010	330-090-0120(T)	4-30-2010	Repeal	6-1-2010
309-041-0800	12-9-2009	Renumber	1-1-2010	330-090-0130	4-30-2010	Amend	6-1-2010
309-041-0805	12-9-2009	Renumber	1-1-2010	330-090-0130	5-27-2010	Amend(T)	7-1-2010
309-041-0810	12-9-2009	Renumber	1-1-2010	330-090-0130(T)	4-30-2010	Repeal	6-1-2010

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330-090-0133	4-30-2010	Adopt	6-1-2010	331-535-0020	4-1-2010	Amend	5-1-2010
330-090-0133	5-27-2010	Amend(T)	7-1-2010	331-535-0030	4-1-2010	Amend	5-1-2010
330-090-0133(T)	4-30-2010	Repeal	6-1-2010	331-535-0040	4-1-2010	Amend	5-1-2010
330-090-0135	4-30-2010	Amend	6-1-2010	331-535-0050	4-1-2010	Amend	5-1-2010
330-090-0135(T)	4-30-2010	Repeal	6-1-2010	331-535-0060	4-1-2010	Amend	5-1-2010
330-090-0140	1-8-2010	Amend	2-1-2010	331-535-0070	4-1-2010	Amend	5-1-2010
330-090-0140	5-27-2010	Amend(T)	7-1-2010	331-535-0080	4-1-2010	Amend	5-1-2010
330-090-0140(T)	1-8-2010	Repeal	2-1-2010	331-540-0000	4-1-2010	Amend	5-1-2010
330-090-0150	4-30-2010	Amend	6-1-2010	331-540-0010	4-1-2010	Amend	5-1-2010
330-090-0150	5-27-2010	Amend(T)	7-1-2010	331-540-0020	4-1-2010	Amend	5-1-2010
330-090-0150(T)	4-30-2010	Repeal	6-1-2010	331-540-0030	4-1-2010	Amend	5-1-2010
330-090-0350	5-27-2010	Adopt(T)	7-1-2010	331-545-0000	4-1-2010	Amend	5-1-2010
330-090-0450	5-27-2010	Adopt(T)	7-1-2010	331-545-0020	4-1-2010	Amend	5-1-2010
330-112-0000	7-1-2010	Adopt(T)	8-1-2010	331-550-0000	4-1-2010	Amend	5-1-2010
330-112-0010	7-1-2010	Adopt(T)	8-1-2010	331-555-0010	4-1-2010	Amend	5-1-2010
330-112-0020	7-1-2010	Adopt(T)	8-1-2010	331-555-0030	4-1-2010	Amend	5-1-2010
330-112-0030	7-1-2010	Adopt(T)	8-1-2010	331-555-0040	4-1-2010	Amend	5-1-2010
330-112-0040	7-1-2010	Adopt(T)	8-1-2010	331-560-0000	4-1-2010	Amend	5-1-2010
330-112-0050	7-1-2010	Adopt(T)	8-1-2010	331-560-0010	4-1-2010	Amend	5-1-2010
330-112-0060	7-1-2010	Adopt(T)	8-1-2010	331-560-0020	4-1-2010	Amend	5-1-2010
330-112-0070	7-1-2010	Adopt(T)	8-1-2010	331-560-0030	4-1-2010	Amend	5-1-2010
330-112-0080	7-1-2010	Adopt(T)	8-1-2010	331-560-0050	4-1-2010	Repeal	5-1-2010
330-112-0090	7-1-2010	Adopt(T)	8-1-2010	331-560-0060	4-1-2010	Amend	5-1-2010
330-112-0100	7-1-2010	Adopt(T)	8-1-2010	331-565-0000	4-1-2010	Amend	5-1-2010
330-170-0010	7-1-2010	Adopt(T)	8-1-2010	331-565-0020	4-1-2010	Amend	5-1-2010
330-170-0020	7-1-2010	Adopt(T)	8-1-2010	331-565-0025	4-1-2010	Amend	5-1-2010
330-170-0030	7-1-2010	Adopt(T)	8-1-2010	331-565-0030	4-1-2010	Amend	5-1-2010
330-170-0040	7-1-2010	Adopt(T)	8-1-2010	331-565-0040	4-1-2010	Amend	5-1-2010
330-170-0050	7-1-2010	Adopt(T)	8-1-2010	331-565-0050	4-1-2010	Amend	5-1-2010
330-170-0060	7-1-2010	Adopt(T)	8-1-2010	331-565-0060	4-1-2010	Amend	5-1-2010
330-170-0070	7-1-2010	Adopt(T)	8-1-2010	331-565-0075	4-1-2010	Repeal	5-1-2010
331-030-0040	7-26-2010	Amend(T)	9-1-2010	331-565-0080	4-1-2010	Amend	5-1-2010
331-505-0000	4-1-2010	Amend	5-1-2010	331-565-0085	4-1-2010	Amend	5-1-2010
331-505-0010	4-1-2010	Amend	5-1-2010	331-565-0090	4-1-2010	Adopt	5-1-2010
331-510-0000	4-1-2010	Amend	5-1-2010	331-565-0095	4-1-2010	Adopt	5-1-2010
331-515-0000	4-1-2010	Amend	5-1-2010	331-570-0000	4-1-2010	Amend	5-1-2010
331-515-0010	4-1-2010	Amend	5-1-2010	331-570-0020	4-1-2010	Amend	5-1-2010
331-515-0020	4-1-2010	Amend	5-1-2010	331-575-0000	4-1-2010	Amend	5-1-2010
331-515-0030	4-1-2010	Amend	5-1-2010	331-575-0010	4-1-2010	Amend	5-1-2010
331-520-0000	4-1-2010	Amend	5-1-2010	331-575-0020	4-1-2010	Amend	5-1-2010
331-520-0010	4-1-2010	Amend	5-1-2010	331-575-0030	4-1-2010	Amend	5-1-2010
331-520-0030	4-1-2010	Amend	5-1-2010	331-575-0050	4-1-2010	Amend	5-1-2010
331-520-0040	4-1-2010	Amend	5-1-2010	331-580-0000	4-1-2010	Amend	5-1-2010
331-520-0060	4-1-2010	Repeal	5-1-2010	331-580-0010	4-1-2010	Amend	5-1-2010
331-520-0070	4-1-2010	Amend	5-1-2010	331-580-0020	4-1-2010	Amend	5-1-2010
331-525-0020	4-1-2010	Amend	5-1-2010	331-580-0030	4-1-2010	Amend	5-1-2010
331-525-0035	4-1-2010	Amend	5-1-2010	331-585-0000	4-1-2010	Amend	5-1-2010
331-525-0038	4-1-2010	Amend	5-1-2010	331-585-0010	4-1-2010	Amend	5-1-2010
331-525-0040	4-1-2010	Amend	5-1-2010	331-585-0020	4-1-2010	Amend	5-1-2010
331-525-0055	4-1-2010	Amend	5-1-2010	331-585-0030	4-1-2010	Amend	5-1-2010
331-525-0060	4-1-2010	Amend	5-1-2010	331-585-0040	4-1-2010	Amend	5-1-2010
331-525-0065	4-1-2010	Amend	5-1-2010	331-590-0000	4-1-2010	Amend	5-1-2010
331-530-0000	4-1-2010	Amend	5-1-2010	331-590-0020	4-1-2010	Amend	5-1-2010
331-530-0020	4-1-2010	Amend	5-1-2010	331-705-0060	12-1-2009	Amend(T)	1-1-2010
331-535-0000	4-1-2010	Amend	5-1-2010	331-705-0060	3-1-2010	Amend	4-1-2010
331-535-0010	4-1-2010	Amend	5-1-2010	331-705-0060(T)	3-1-2010	Repeal	4-1-2010

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331-800-0010	5-18-2010	Amend	7-1-2010	333-018-0017	3-11-2010	Adopt	4-1-2010
331-800-0020	3-15-2010	Amend	4-1-2010	333-018-0018	3-11-2010	Amend	4-1-2010
331-800-0020	5-18-2010	Amend	7-1-2010	333-019-0017	3-11-2010	Amend	4-1-2010
331-810-0020	3-15-2010	Amend	4-1-2010	333-019-0027	3-11-2010	Amend	4-1-2010
331-810-0020	5-18-2010	Amend	7-1-2010	333-019-0036	3-11-2010	Amend	4-1-2010
331-810-0035	3-15-2010	Repeal	4-1-2010	333-026-0030	3-11-2010	Adopt	4-1-2010
331-810-0035	5-18-2010	Repeal	7-1-2010	333-029-0025	12-23-2009	Amend	2-1-2010
331-810-0040	3-15-2010	Amend	4-1-2010	333-029-0030	12-23-2009	Repeal	2-1-2010
331-810-0040	5-18-2010	Amend	7-1-2010	333-029-0045	12-23-2009	Amend	2-1-2010
331-840-0070	3-15-2010	Adopt	4-1-2010	333-029-0050	12-23-2009	Amend	2-1-2010
331-840-0070	5-18-2010	Adopt	7-1-2010	333-029-0060	12-23-2009	Amend	2-1-2010
332-020-0020	4-1-2010	Amend(T)	5-1-2010	333-029-0070	12-23-2009	Amend	2-1-2010
333-002-0040	7-15-2010	Amend(T)	8-1-2010	333-029-0080	12-23-2009	Amend	2-1-2010
333-002-0060	7-15-2010	Amend(T)	8-1-2010	333-029-0115	12-23-2009	Amend	2-1-2010
333-003-0100	8-12-2010	Amend	9-1-2010	333-050-0020	12-21-2009	Amend(T)	2-1-2010
333-003-0105	8-12-2010	Amend	9-1-2010	333-050-0050	12-21-2009	Amend(T)	2-1-2010
333-003-0110	8-12-2010	Amend	9-1-2010	333-050-0120	12-21-2009	Amend(T)	2-1-2010
333-003-0115	8-12-2010	Amend	9-1-2010	333-060-0125	12-23-2009	Amend	2-1-2010
333-003-0116	8-12-2010	Adopt	9-1-2010	333-060-0128	12-23-2009	Adopt	2-1-2010
333-003-0118	8-12-2010	Adopt	9-1-2010	333-060-0505	12-23-2009	Amend	2-1-2010
333-003-0120	8-12-2010	Amend	9-1-2010	333-060-0510	12-23-2009	Amend	2-1-2010
333-003-0125	8-12-2010	Amend	9-1-2010	333-061-0005	4-19-2010	Amend	6-1-2010
333-003-0130	8-12-2010	Amend	9-1-2010	333-061-0010	4-19-2010	Amend	6-1-2010
333-003-0135	8-12-2010	Repeal	9-1-2010	333-061-0015	4-19-2010	Amend	6-1-2010
333-003-0140	8-12-2010	Amend	9-1-2010	333-061-0020	4-19-2010	Amend	6-1-2010
333-003-0210	8-12-2010	Adopt	9-1-2010	333-061-0030	4-19-2010	Amend	6-1-2010
333-004-0010	6-30-2010	Amend	8-1-2010	333-061-0032	4-19-2010	Amend	6-1-2010
333-004-0060	6-30-2010	Amend	8-1-2010	333-061-0034	4-19-2010	Amend	6-1-2010
333-004-0070	6-30-2010	Amend	8-1-2010	333-061-0036	4-19-2010	Amend	6-1-2010
333-008-0020	7-6-2010	Amend(T)	8-1-2010	333-061-0040	4-19-2010	Amend	6-1-2010
333-011-0106	2-3-2010	Amend	3-1-2010	333-061-0042	4-19-2010	Amend	6-1-2010
333-012-0500	1-14-2010	Amend	2-1-2010	333-061-0043	4-19-2010	Amend	6-1-2010
333-015-0035	1-14-2010	Amend	2-1-2010	333-061-0045	4-19-2010	Amend	6-1-2010
333-015-0040	1-14-2010	Amend	2-1-2010	333-061-0050	4-19-2010	Amend	6-1-2010
333-015-0075	1-14-2010	Amend	2-1-2010	333-061-0055	4-19-2010	Amend	6-1-2010
333-015-0085	1-14-2010	Amend	2-1-2010	333-061-0057	4-19-2010	Amend	6-1-2010
333-015-0100	1-1-2010	Adopt	2-1-2010	333-061-0058	4-19-2010	Amend	6-1-2010
333-015-0105	1-1-2010	Adopt	2-1-2010	333-061-0060	4-19-2010	Amend	6-1-2010
333-015-0110	1-1-2010	Adopt	2-1-2010	333-061-0061	4-19-2010	Amend	6-1-2010
333-015-0115	1-1-2010	Adopt	2-1-2010	333-061-0062	4-19-2010	Amend	6-1-2010
333-015-0120	1-1-2010	Adopt	2-1-2010	333-061-0063	4-19-2010	Amend	6-1-2010
333-015-0125	1-1-2010	Adopt	2-1-2010	333-061-0064	4-19-2010	Amend	6-1-2010
333-015-0130	1-1-2010	Adopt	2-1-2010	333-061-0065	4-19-2010	Amend	6-1-2010
333-015-0135	1-1-2010	Adopt	2-1-2010	333-061-0070	4-19-2010	Amend	6-1-2010
333-015-0140	1-1-2010	Adopt	2-1-2010	333-061-0071	4-19-2010	Amend	6-1-2010
333-015-0145	1-1-2010	Adopt	2-1-2010	333-061-0072	4-19-2010	Amend	6-1-2010
333-015-0150	1-1-2010	Adopt	2-1-2010	333-061-0073	4-19-2010	Amend	6-1-2010
333-015-0155	1-1-2010	Adopt	2-1-2010	333-061-0076	4-19-2010	Amend	6-1-2010
333-015-0160	1-1-2010	Adopt	2-1-2010	333-061-0077	4-19-2010	Amend	6-1-2010
333-015-0165	1-1-2010	Adopt	2-1-2010	333-061-0090	4-19-2010	Amend	6-1-2010
333-017-0000	3-11-2010	Amend	4-1-2010	333-061-0215	4-19-2010	Repeal	6-1-2010
333-017-0005	3-11-2010	Amend	4-1-2010	333-061-0228	4-19-2010	Amend	6-1-2010
333-018-0000	3-11-2010	Amend	4-1-2010	333-061-0230	4-19-2010	Amend	6-1-2010
333-018-0010	3-11-2010	Amend	4-1-2010	333-061-0235	4-19-2010	Amend	6-1-2010
333-018-0013	3-11-2010	Adopt	4-1-2010	333-061-0245	4-19-2010	Amend	6-1-2010

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333-061-0272	3-16-2010	Amend(T)	5-1-2010	333-102-0010	2-16-2010	Amend	4-1-2010
333-061-0272	8-12-2010	Amend	9-1-2010	333-102-0015	2-16-2010	Amend	4-1-2010
333-061-0272(T)	8-12-2010	Repeal	9-1-2010	333-102-0020	2-16-2010	Repeal	4-1-2010
333-061-0274	3-16-2010	Adopt(T)	5-1-2010	333-102-0035	2-16-2010	Amend	4-1-2010
333-061-0290	4-19-2010	Amend	6-1-2010	333-102-0105	2-16-2010	Amend	4-1-2010
333-061-0295	4-19-2010	Repeal	6-1-2010	333-102-0110	2-16-2010	Amend	4-1-2010
333-061-0305	4-19-2010	Amend	6-1-2010	333-102-0115	2-16-2010	Amend	4-1-2010
333-061-0310	4-19-2010	Amend	6-1-2010	333-102-0190	2-16-2010	Amend	4-1-2010
333-061-0315	4-19-2010	Repeal	6-1-2010	333-102-0245	2-16-2010	Amend	4-1-2010
333-061-0320	4-19-2010	Repeal	6-1-2010	333-102-0285	2-16-2010	Amend	4-1-2010
333-061-0324	4-19-2010	Adopt	6-1-2010	333-102-0290	2-16-2010	Amend	4-1-2010
333-061-0325	4-19-2010	Amend	6-1-2010	333-102-0305	2-16-2010	Amend	4-1-2010
333-061-0330	4-19-2010	Amend	6-1-2010	333-102-0325	2-16-2010	Amend	4-1-2010
333-061-0335	4-19-2010	Amend	6-1-2010	333-102-0340	2-16-2010	Amend	4-1-2010
333-062-0100	12-23-2009	Amend	2-1-2010	333-103-0001	2-16-2010	Amend	4-1-2010
333-062-0103	12-23-2009	Adopt	2-1-2010	333-103-0010	2-16-2010	Amend	4-1-2010
333-070-0075	4-26-2010	Adopt	6-1-2010	333-106-0005	2-16-2010	Amend	4-1-2010
333-070-0080	4-26-2010	Adopt	6-1-2010	333-106-0215	2-16-2010	Amend	4-1-2010
333-070-0085	4-26-2010	Adopt	6-1-2010	333-106-0320	2-16-2010	Amend	4-1-2010
333-070-0090	4-26-2010	Adopt	6-1-2010	333-116-0020	2-16-2010	Amend	4-1-2010
333-070-0095	4-26-2010	Adopt	6-1-2010	333-116-0035	2-16-2010	Amend	4-1-2010
333-070-0100	4-26-2010	Adopt	6-1-2010	333-116-0140	2-16-2010	Amend	4-1-2010
333-070-0105	4-26-2010	Adopt	6-1-2010	333-116-0170	2-16-2010	Amend	4-1-2010
333-070-0110	4-26-2010	Adopt	6-1-2010	333-116-0190	2-16-2010	Amend	4-1-2010
333-070-0115	4-26-2010	Adopt	6-1-2010	333-116-0300	2-16-2010	Amend	4-1-2010
333-070-0120	4-26-2010	Adopt	6-1-2010	333-116-0360	2-16-2010	Amend	4-1-2010
333-070-0125	4-26-2010	Adopt	6-1-2010	333-116-0485	2-16-2010	Adopt	4-1-2010
333-070-0130	4-26-2010	Adopt	6-1-2010	333-116-0660	2-16-2010	Amend	4-1-2010
333-070-0135	4-26-2010	Adopt	6-1-2010	333-116-0670	2-16-2010	Amend	4-1-2010
333-070-0140	4-26-2010	Adopt	6-1-2010	333-116-0683	2-16-2010	Amend	4-1-2010
333-070-0145	4-26-2010	Adopt	6-1-2010	333-116-0687	2-16-2010	Amend	4-1-2010
333-070-0150	4-26-2010	Adopt	6-1-2010	333-116-0690	2-16-2010	Amend	4-1-2010
333-070-0155	4-26-2010	Adopt	6-1-2010	333-116-0700	2-16-2010	Amend	4-1-2010
333-070-0160	4-26-2010	Adopt	6-1-2010	333-116-0810	2-16-2010	Amend	4-1-2010
333-092-0000	12-21-2009	Repeal	2-1-2010	333-116-0905	2-16-2010	Amend	4-1-2010
333-092-0005	12-21-2009	Repeal	2-1-2010	333-118-0020	2-16-2010	Amend	4-1-2010
333-092-0010	12-21-2009	Repeal	2-1-2010	333-118-0050	2-16-2010	Amend	4-1-2010
333-092-0015	12-21-2009	Repeal	2-1-2010	333-118-0051	2-16-2010	Adopt	4-1-2010
333-092-0020	12-21-2009	Repeal	2-1-2010	333-118-0052	2-16-2010	Adopt	4-1-2010
333-092-0025	12-21-2009	Repeal	2-1-2010	333-118-0053	2-16-2010	Adopt	4-1-2010
333-092-0030	12-21-2009	Repeal	2-1-2010	333-118-0070	2-16-2010	Amend	4-1-2010
333-092-0035	12-21-2009	Repeal	2-1-2010	333-118-0110	2-16-2010	Amend	4-1-2010
333-092-0040	12-21-2009	Repeal	2-1-2010	333-118-0120	2-16-2010	Amend	4-1-2010
333-092-0045	12-21-2009	Repeal	2-1-2010	333-118-0125	2-16-2010	Adopt	4-1-2010
333-092-0050	12-21-2009	Repeal	2-1-2010	333-118-0140	2-16-2010	Amend	4-1-2010
333-092-0055	12-21-2009	Repeal	2-1-2010	333-118-0150	2-16-2010	Amend	4-1-2010
333-092-0060	12-21-2009	Repeal	2-1-2010	333-118-0160	2-16-2010	Amend	4-1-2010
333-092-0065	12-21-2009	Repeal	2-1-2010	333-118-0162	2-16-2010	Adopt	4-1-2010
333-092-0070	12-21-2009	Repeal	2-1-2010	333-118-0190	2-16-2010	Amend	4-1-2010
333-092-0075	12-21-2009	Repeal	2-1-2010	333-118-0200	2-16-2010	Amend	4-1-2010
333-092-0080	12-21-2009	Repeal	2-1-2010	333-119-0010	2-16-2010	Amend	4-1-2010
333-092-0085	12-21-2009	Repeal	2-1-2010	333-119-0020	2-16-2010	Amend	4-1-2010
333-092-0090	12-21-2009	Repeal	2-1-2010	333-119-0080	2-16-2010	Amend	4-1-2010
333-092-0095	12-21-2009	Repeal	2-1-2010	333-119-0090	2-16-2010	Amend	4-1-2010
333-100-0020	2-16-2010	Amend	4-1-2010	333-119-0100	2-16-2010	Amend	4-1-2010

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333-120-0800	2-16-2010	Amend	4-1-2010	333-265-0150	7-1-2010	Amend	8-1-2010
333-124-0001	2-16-2010	Adopt	4-1-2010	333-265-0160	7-1-2010	Amend	8-1-2010
333-124-0010	2-16-2010	Adopt	4-1-2010	333-265-0180	7-1-2010	Repeal	8-1-2010
333-250-0010	7-1-2010	Amend	8-1-2010	333-270-0010	12-3-2009	Adopt	1-1-2010
333-250-0020	7-1-2010	Amend	8-1-2010	333-270-0020	12-3-2009	Adopt	1-1-2010
333-250-0040	7-1-2010	Amend	8-1-2010	333-270-0030	12-3-2009	Adopt	1-1-2010
333-250-0041	7-1-2010	Amend	8-1-2010	333-270-0040	12-3-2009	Adopt	1-1-2010
333-250-0042	7-1-2010	Amend	8-1-2010	333-270-0050	12-3-2009	Adopt	1-1-2010
333-250-0043	7-1-2010	Amend	8-1-2010	333-270-0060	12-3-2009	Adopt	1-1-2010
333-250-0044	7-1-2010	Amend	8-1-2010	333-270-0070	12-3-2009	Adopt	1-1-2010
333-250-0045	7-1-2010	Amend	8-1-2010	333-270-0080	12-3-2009	Adopt	1-1-2010
333-250-0046	7-1-2010	Amend	8-1-2010	333-300-0000	12-21-2009	Repeal	2-1-2010
333-250-0047	7-1-2010	Amend	8-1-2010	333-540-0005	7-1-2010	Adopt	8-1-2010
333-250-0048	7-1-2010	Amend	8-1-2010	333-540-0010	7-1-2010	Adopt	8-1-2010
333-250-0049	7-1-2010	Amend	8-1-2010	333-540-0015	7-1-2010	Adopt	8-1-2010
333-250-0060	7-1-2010	Amend	8-1-2010	333-540-0020	7-1-2010	Adopt	8-1-2010
333-250-0070	7-1-2010	Amend	8-1-2010	333-540-0025	7-1-2010	Adopt	8-1-2010
333-255-0000	7-1-2010	Amend	8-1-2010	333-540-0030	7-1-2010	Adopt	8-1-2010
333-255-0010	7-1-2010	Amend	8-1-2010	333-540-0035	7-1-2010	Adopt	8-1-2010
333-255-0030	7-1-2010	Amend	8-1-2010	333-540-0040	7-1-2010	Adopt	8-1-2010
333-255-0060	7-1-2010	Amend	8-1-2010	333-540-0045	7-1-2010	Adopt	8-1-2010
333-255-0070	7-1-2010	Amend	8-1-2010	333-540-0050	7-1-2010	Adopt	8-1-2010
333-255-0070	7-16-2010	Amend(T)	9-1-2010	333-540-0055	7-1-2010	Adopt	8-1-2010
333-255-0071	7-1-2010	Amend	8-1-2010	333-540-0060	7-1-2010	Adopt	8-1-2010
333-255-0072	7-1-2010	Amend	8-1-2010	333-540-0065	7-1-2010	Adopt	8-1-2010
333-255-0073	7-1-2010	Amend	8-1-2010	333-540-0070	7-1-2010	Adopt	8-1-2010
333-255-0081	7-1-2010	Amend	8-1-2010	333-540-0075	7-1-2010	Adopt	8-1-2010
333-255-0082	7-1-2010	Amend	8-1-2010	333-540-0080	7-1-2010	Adopt	8-1-2010
333-255-0091	7-1-2010	Amend	8-1-2010	333-540-0085	7-1-2010	Adopt	8-1-2010
333-255-0092	7-1-2010	Amend	8-1-2010	333-540-0090	7-1-2010	Adopt	8-1-2010
333-265-0000	7-1-2010	Amend	8-1-2010	334-001-0055	4-12-2010	Adopt	5-1-2010
333-265-0012	7-1-2010	Amend	8-1-2010	334-001-0055	7-26-2010	Amend(T)	9-1-2010
333-265-0014	7-1-2010	Amend	8-1-2010	335-060-0010	8-11-2010	Amend(T)	9-1-2010
333-265-0015	7-1-2010	Adopt	8-1-2010	335-070-0065	11-16-2009	Amend	1-1-2010
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333-265-0018	7-1-2010	Amend	8-1-2010	335-095-0040	8-11-2010	Amend(T)	9-1-2010
333-265-0020	7-1-2010	Amend	8-1-2010	335-095-0055	8-11-2010	Suspend	9-1-2010
333-265-0022	7-1-2010	Amend	8-1-2010	335-095-0060	11-16-2009	Amend	1-1-2010
333-265-0023	7-1-2010	Amend	8-1-2010	337-001-0000	6-15-2010	Amend	7-1-2010
333-265-0025	7-1-2010	Amend	8-1-2010	337-001-0005	6-15-2010	Amend	7-1-2010
333-265-0030	7-1-2010	Amend	8-1-2010	337-010-0006	6-15-2010	Amend	7-1-2010
333-265-0040	7-1-2010	Amend	8-1-2010	337-010-0007	6-15-2010	Adopt	7-1-2010
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333-265-0085	7-1-2010	Adopt	8-1-2010	337-010-0013	6-15-2010	Adopt	7-1-2010
333-265-0087	7-1-2010	Adopt	8-1-2010	337-010-0014	6-15-2010	Adopt	7-1-2010
333-265-0090	7-1-2010	Amend	8-1-2010	337-010-0015	6-15-2010	Amend	7-1-2010
333-265-0090	7-16-2010	Amend(T)	9-1-2010	337-010-0016	6-15-2010	Adopt	7-1-2010
333-265-0100	7-1-2010	Amend	8-1-2010	337-010-0020	6-15-2010	Repeal	7-1-2010
333-265-0105	7-1-2010	Adopt	8-1-2010	337-010-0023	6-15-2010	Adopt	7-1-2010
333-265-0105	7-16-2010	Amend(T)	9-1-2010	337-010-0025	6-15-2010	Amend	7-1-2010
333-265-0110	7-1-2010	Amend	8-1-2010	337-010-0026	6-15-2010	Adopt	7-1-2010

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337-010-0031	6-15-2010	Amend	7-1-2010	340-216-0062	12-16-2009	Adopt	2-1-2010
337-010-0036	6-15-2010	Repeal	7-1-2010	340-216-0064	12-16-2009	Amend	2-1-2010
337-010-0045	6-15-2010	Amend	7-1-2010	340-220-0050	1-1-2010	Amend(T)	2-1-2010
337-010-0055	6-15-2010	Repeal	7-1-2010	340-228-0606	12-16-2009	Amend	2-1-2010
337-010-0060	6-15-2010	Repeal	7-1-2010	340-228-0621	12-16-2009	Amend	2-1-2010
337-010-0061	6-15-2010	Repeal	7-1-2010	340-228-0623	12-16-2009	Amend	2-1-2010
337-010-0065	6-15-2010	Repeal	7-1-2010	340-228-0625	12-16-2009	Amend	2-1-2010
337-010-0075	6-15-2010	Repeal	7-1-2010	340-228-0627	12-16-2009	Amend	2-1-2010
337-020-0010	6-15-2010	Repeal	7-1-2010	340-228-0639	12-16-2009	Adopt	2-1-2010
337-020-0015	6-15-2010	Amend	7-1-2010	340-238-0040	12-16-2009	Amend	2-1-2010
337-020-0040	6-15-2010	Amend	7-1-2010	340-244-0030	12-16-2009	Amend	2-1-2010
337-021-0005	6-15-2010	Amend	7-1-2010	340-244-0220	12-16-2009	Amend	2-1-2010
337-021-0010	6-15-2010	Amend	7-1-2010	340-244-0238	12-16-2009	Amend	2-1-2010
337-021-0020	6-15-2010	Amend	7-1-2010	340-244-0240	12-16-2009	Amend	2-1-2010
337-021-0030	6-15-2010	Amend	7-1-2010	340-244-0242	12-16-2009	Amend	2-1-2010
337-021-0040	6-15-2010	Amend	7-1-2010	340-244-0246	12-16-2009	Amend	2-1-2010
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337-030-0002	6-15-2010	Adopt	7-1-2010	340-252-0030	3-5-2010	Amend	4-1-2010
337-030-0005	6-15-2010	Adopt	7-1-2010	340-252-0040	3-5-2010	Repeal	4-1-2010
337-030-0010	6-15-2010	Adopt	7-1-2010	340-252-0050	3-5-2010	Repeal	4-1-2010
337-030-0015	6-15-2010	Adopt	7-1-2010	340-252-0060	3-5-2010	Amend	4-1-2010
337-030-0020	6-15-2010	Adopt	7-1-2010	340-252-0070	3-5-2010	Amend	4-1-2010
337-030-0025	6-15-2010	Adopt	7-1-2010	340-252-0080	3-5-2010	Repeal	4-1-2010
339-005-0000	3-1-2010	Amend	2-1-2010	340-252-0090	3-5-2010	Repeal	4-1-2010
340-045-0033	1-22-2010	Amend	3-1-2010	340-252-0100	3-5-2010	Repeal	4-1-2010
340-045-0100	7-6-2010	Adopt	8-1-2010	340-252-0110	3-5-2010	Repeal	4-1-2010
340-054-0010	5-4-2010	Amend(T)	6-1-2010	340-252-0120	3-5-2010	Repeal	4-1-2010
340-054-0025	5-4-2010	Amend(T)	6-1-2010	340-252-0130	3-5-2010	Repeal	4-1-2010
340-054-0065	5-4-2010	Amend(T)	6-1-2010	340-252-0140	3-5-2010	Repeal	4-1-2010
340-071-0140	1-4-2010	Amend	2-1-2010	340-252-0150	3-5-2010	Repeal	4-1-2010
340-093-0030	5-14-2010	Amend	6-1-2010	340-252-0160	3-5-2010	Repeal	4-1-2010
340-093-0260	5-14-2010	Adopt	6-1-2010	340-252-0170	3-5-2010	Repeal	4-1-2010
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340-097-0120	5-14-2010	Amend	6-1-2010	340-252-0210	3-5-2010	Repeal	4-1-2010
340-200-0020	5-21-2010	Amend	7-1-2010	340-252-0220	3-5-2010	Repeal	4-1-2010
340-200-0025	5-21-2010	Amend	7-1-2010	340-252-0230	3-5-2010	Amend	4-1-2010
340-200-0040	12-16-2009	Amend	2-1-2010	340-252-0240	3-5-2010	Repeal	4-1-2010
340-200-0040	3-5-2010	Amend	4-1-2010	340-252-0250	3-5-2010	Repeal	4-1-2010
340-200-0040	5-21-2010	Amend	7-1-2010	340-252-0260	3-5-2010	Repeal	4-1-2010
340-202-0060	5-21-2010	Amend	7-1-2010	340-252-0270	3-5-2010	Repeal	4-1-2010
340-202-0090	5-21-2010	Amend	7-1-2010	340-252-0280	3-5-2010	Repeal	4-1-2010
340-202-0130	5-21-2010	Amend	7-1-2010	340-252-0290	3-5-2010	Repeal	4-1-2010
340-204-0010	5-21-2010	Amend	7-1-2010	345-001-0010	11-24-2009	Amend	1-1-2010
340-204-0030	5-21-2010	Amend	7-1-2010	345-001-0220	5-11-2010	Amend	6-1-2010
340-206-0010	5-21-2010	Amend	7-1-2010	345-024-0590	11-24-2009	Amend	1-1-2010
340-206-0030	5-21-2010	Amend	7-1-2010	350-090-0010	6-1-2010	Repeal	6-1-2010
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340-210-0100	12-16-2009	Amend	2-1-2010	350-090-0030	6-1-2010	Repeal	6-1-2010
340-210-0110	12-16-2009	Amend	2-1-2010	350-090-0040	6-1-2010	Repeal	6-1-2010
340-210-0120	12-16-2009	Amend	2-1-2010	350-090-0050	6-1-2010	Repeal	6-1-2010
340-215-0050	1-1-2010	Adopt(T)	2-1-2010	350-090-0060	6-1-2010	Repeal	6-1-2010
340-216-0020	12-16-2009	Amend	2-1-2010	350-090-0070	6-1-2010	Repeal	6-1-2010
340-216-0020	1-1-2010	Amend(T)	2-1-2010	350-090-0080	6-1-2010	Repeal	6-1-2010

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350-100-0600	6-1-2010	Repeal	6-1-2010	350-110-0540	6-1-2010	Repeal	6-1-2010
350-100-0610	6-1-2010	Repeal	6-1-2010	350-110-0550	6-1-2010	Repeal	6-1-2010
350-100-0620	6-1-2010	Repeal	6-1-2010	350-110-0560	6-1-2010	Repeal	6-1-2010
350-110-0010	6-1-2010	Repeal	6-1-2010	350-110-0570	6-1-2010	Repeal	6-1-2010
350-110-0020	6-1-2010	Repeal	6-1-2010	350-110-0580	6-1-2010	Repeal	6-1-2010
350-110-0030	6-1-2010	Repeal	6-1-2010	350-110-0590	6-1-2010	Repeal	6-1-2010
350-110-0040	6-1-2010	Repeal	6-1-2010	350-110-0600	6-1-2010	Repeal	6-1-2010
350-110-0050	6-1-2010	Repeal	6-1-2010	350-110-0610	6-1-2010	Repeal	6-1-2010
350-110-0060	6-1-2010	Repeal	6-1-2010	350-110-0620	6-1-2010	Repeal	6-1-2010
350-110-0070	6-1-2010	Repeal	6-1-2010	407-007-0000	1-1-2010	Amend	2-1-2010
350-110-0080	6-1-2010	Repeal	6-1-2010	407-007-0010	1-1-2010	Amend	2-1-2010
350-110-0090	6-1-2010	Repeal	6-1-2010	407-007-0020	1-1-2010	Amend	2-1-2010
350-110-0100	6-1-2010	Repeal	6-1-2010	407-007-0030	1-1-2010	Amend	2-1-2010
350-110-0110	6-1-2010	Repeal	6-1-2010	407-007-0040	1-1-2010	Amend	2-1-2010
350-110-0120	6-1-2010	Repeal	6-1-2010	407-007-0050	1-1-2010	Amend	2-1-2010
350-110-0130	6-1-2010	Repeal	6-1-2010	407-007-0060	1-1-2010	Amend	2-1-2010
350-110-0140	6-1-2010	Repeal	6-1-2010	407-007-0065	1-1-2010	Adopt	2-1-2010
350-110-0150	6-1-2010	Repeal	6-1-2010	407-007-0070	1-1-2010	Amend	2-1-2010
350-110-0160	6-1-2010	Repeal	6-1-2010	407-007-0075	1-1-2010	Adopt	2-1-2010
350-110-0170	6-1-2010	Repeal	6-1-2010	407-007-0080	1-1-2010	Amend	2-1-2010
350-110-0180	6-1-2010	Repeal	6-1-2010	407-007-0090	1-1-2010	Amend	2-1-2010
350-110-0190	6-1-2010	Repeal	6-1-2010	407-007-0100	1-1-2010	Amend	2-1-2010
350-110-0200	6-1-2010	Repeal	6-1-2010	407-007-0200	1-1-2010	Amend	2-1-2010
350-110-0210	6-1-2010	Repeal	6-1-2010	407-007-0210	1-1-2010	Amend	2-1-2010
350-110-0220	6-1-2010	Repeal	6-1-2010	407-007-0210	8-12-2010	Amend(T)	9-1-2010
350-110-0230	6-1-2010	Repeal	6-1-2010	407-007-0220	1-1-2010	Amend	2-1-2010
350-110-0240	6-1-2010	Repeal	6-1-2010	407-007-0230	1-1-2010	Amend	2-1-2010
350-110-0250	6-1-2010	Repeal	6-1-2010	407-007-0240	1-1-2010	Amend	2-1-2010
350-110-0260	6-1-2010	Repeal	6-1-2010	407-007-0250	1-1-2010	Amend	2-1-2010
350-110-0270	6-1-2010	Repeal	6-1-2010	407-007-0275	5-5-2010	Adopt(T)	6-1-2010
350-110-0280	6-1-2010	Repeal	6-1-2010	407-007-0280	1-1-2010	Amend	2-1-2010
350-110-0290	6-1-2010	Repeal	6-1-2010	407-007-0290	1-1-2010	Amend	2-1-2010
350-110-0300	6-1-2010	Repeal	6-1-2010	407-007-0300	1-1-2010	Amend	2-1-2010
350-110-0310	6-1-2010	Repeal	6-1-2010	407-007-0315	1-1-2010	Adopt	2-1-2010
350-110-0320	6-1-2010	Repeal	6-1-2010	407-007-0320	1-1-2010	Amend	2-1-2010
350-110-0330	6-1-2010	Repeal	6-1-2010	407-007-0325	1-1-2010	Adopt	2-1-2010
350-110-0340	6-1-2010	Repeal	6-1-2010	407-007-0330	1-1-2010	Amend	2-1-2010
350-110-0350	6-1-2010	Repeal	6-1-2010	407-007-0340	1-1-2010	Amend	2-1-2010
350-110-0360	6-1-2010	Repeal	6-1-2010	407-007-0350	1-1-2010	Amend	2-1-2010
350-110-0370	6-1-2010	Repeal	6-1-2010	407-007-0355	1-1-2010	Repeal	2-1-2010
350-110-0380	6-1-2010	Repeal	6-1-2010	407-007-0370	1-1-2010	Amend	2-1-2010
350-110-0390	6-1-2010	Repeal	6-1-2010	407-007-0400	3-29-2010	Adopt	5-1-2010
350-110-0400	6-1-2010	Repeal	6-1-2010	407-007-0400(T)	3-29-2010	Repeal	5-1-2010
350-110-0410	6-1-2010	Repeal	6-1-2010	407-007-0410	3-29-2010	Adopt	5-1-2010
350-110-0420	6-1-2010	Repeal	6-1-2010	407-007-0410(T)	3-29-2010	Repeal	5-1-2010
350-110-0430	6-1-2010	Repeal	6-1-2010	407-007-0420	3-29-2010	Adopt	5-1-2010
350-110-0440	6-1-2010	Repeal	6-1-2010	407-007-0420(T)	3-29-2010	Repeal	5-1-2010
350-110-0450	6-1-2010	Repeal	6-1-2010	407-007-0430	3-29-2010	Adopt	5-1-2010
350-110-0460	6-1-2010	Repeal	6-1-2010	407-007-0430(T)	3-29-2010	Repeal	5-1-2010
350-110-0470	6-1-2010	Repeal	6-1-2010	407-007-0440	1-8-2010	Adopt(T)	2-1-2010
350-110-0480	6-1-2010	Repeal	6-1-2010	407-007-0440	3-29-2010	Adopt	5-1-2010
350-110-0490	6-1-2010	Repeal	6-1-2010	407-007-0440(T)	3-29-2010	Repeal	5-1-2010
350-110-0500	6-1-2010	Repeal	6-1-2010	407-007-0450	3-29-2010	Adopt	5-1-2010
350-110-0510	6-1-2010	Repeal	6-1-2010	407-007-0450(T)	3-29-2010	Repeal	5-1-2010
350-110-0520	6-1-2010	Repeal	6-1-2010	407-007-0460	3-29-2010	Adopt	5-1-2010

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407-043-0010(T)	1-1-2010	Repeal	2-1-2010	409-026-0120	1-1-2010	Adopt	2-1-2010
407-045-0250	6-29-2010	Amend	8-1-2010	409-026-0140	1-1-2010	Adopt	2-1-2010
407-045-0260	1-1-2010	Amend(T)	2-1-2010	409-030-0065	4-21-2010	Amend(T)	6-1-2010
407-045-0260	6-29-2010	Amend	8-1-2010	409-040-0100	1-1-2010	Adopt	2-1-2010
407-045-0260	8-5-2010	Amend(T)	9-1-2010	409-040-0105	1-1-2010	Adopt	2-1-2010
407-045-0260(T)	6-29-2010	Repeal	8-1-2010	409-040-0110	1-1-2010	Adopt	2-1-2010
407-045-0280	6-29-2010	Amend	8-1-2010	409-040-0115	1-1-2010	Adopt	2-1-2010
407-045-0290	1-1-2010	Amend(T)	2-1-2010	410-050-0861	7-1-2010	Amend	8-1-2010
407-045-0290	6-29-2010	Amend	8-1-2010	410-120-0030	1-1-2010	Amend	1-1-2010
407-045-0290(T)	6-29-2010	Repeal	8-1-2010	410-120-0030	7-1-2010	Amend	8-1-2010
407-045-0300	6-29-2010	Amend	8-1-2010	410-120-0030(T)	1-1-2010	Repeal	1-1-2010
407-045-0310	6-29-2010	Amend	8-1-2010	410-120-0045	7-1-2010	Adopt	7-1-2010
407-045-0320	6-29-2010	Amend	8-1-2010	410-120-1200	1-1-2010	Amend	1-1-2010
407-045-0330	6-29-2010	Amend	8-1-2010	410-120-1210	1-1-2010	Amend	1-1-2010
407-045-0340	6-29-2010	Amend	8-1-2010	410-120-1230	1-1-2010	Amend	1-1-2010
407-045-0350	1-1-2010	Amend(T)	2-1-2010	410-120-1295	12-4-2009	Amend(T)	1-1-2010
407-045-0350	6-29-2010	Amend	8-1-2010	410-120-1295	1-1-2010	Amend	1-1-2010
407-045-0350(T)	6-29-2010	Repeal	8-1-2010	410-120-1295	3-26-2010	Amend	5-1-2010
407-045-0360	6-29-2010	Amend	8-1-2010	410-120-1295(T)	12-4-2009	Suspend	1-1-2010
407-045-0370	6-29-2010	Adopt	8-1-2010	410-120-1340	1-1-2010	Amend	1-1-2010
407-045-0800	7-1-2010	Amend	8-1-2010	410-120-1380	1-1-2010	Amend	1-1-2010
407-045-0810	7-1-2010	Amend	8-1-2010	410-120-1570	1-1-2010	Amend	1-1-2010
407-045-0820	7-1-2010	Amend	8-1-2010	410-120-1600	1-1-2010	Amend	1-1-2010
407-045-0820	7-12-2010	Amend(T)	8-1-2010	410-121-0000	1-1-2010	Amend	1-1-2010
407-045-0830	7-1-2010	Amend	8-1-2010	410-121-0000	7-1-2010	Amend	7-1-2010
407-045-0850	7-1-2010	Amend	8-1-2010	410-121-0030	1-1-2010	Amend	1-1-2010
407-045-0860	7-1-2010	Amend	8-1-2010	410-121-0030	7-1-2010	Amend	7-1-2010
407-045-0870	7-1-2010	Amend	8-1-2010	410-121-0032	1-1-2010	Amend	1-1-2010
407-045-0880	7-1-2010	Amend	8-1-2010	410-121-0040	1-1-2010	Amend	1-1-2010
407-045-0890	7-1-2010	Amend	8-1-2010	410-121-0040	7-1-2010	Amend	7-1-2010
407-045-0900	7-1-2010	Amend	8-1-2010	410-121-0060	1-1-2010	Amend	1-1-2010
407-045-0910	7-1-2010	Amend	8-1-2010	410-121-0100	1-1-2010	Amend	1-1-2010
407-045-0920	7-1-2010	Amend	8-1-2010	410-121-0100	7-1-2010	Amend	7-1-2010
407-045-0930	7-1-2010	Amend	8-1-2010	410-121-0135	1-1-2010	Amend	1-1-2010
407-045-0940	7-1-2010	Amend	8-1-2010	410-121-0144	7-1-2010	Repeal	7-1-2010
407-045-0950	7-1-2010	Amend	8-1-2010	410-121-0145	2-5-2010	Amend	3-1-2010
407-045-0960	7-1-2010	Amend	8-1-2010	410-121-0146	4-1-2010	Amend(T)	5-1-2010
407-045-0970	7-1-2010	Amend	8-1-2010	410-121-0146	7-1-2010	Amend	7-1-2010
407-045-0980	7-1-2010	Amend	8-1-2010	410-121-0147	7-1-2010	Amend	7-1-2010
409-023-0000	7-1-2010	Amend	8-1-2010	410-121-0185	7-1-2010	Amend	7-1-2010
409-023-0010	7-1-2010	Amend	8-1-2010	410-121-0420	1-1-2010	Amend	1-1-2010
409-024-0000	7-1-2010	Adopt	8-1-2010	410-122-0010	7-1-2010	Amend	7-1-2010
409-024-0110	7-1-2010	Adopt	8-1-2010	410-122-0020	7-1-2010	Amend	7-1-2010
409-024-0120	7-1-2010	Adopt	8-1-2010	410-122-0040	7-1-2010	Amend	7-1-2010
409-024-0130	7-1-2010	Adopt	8-1-2010	410-122-0055	7-1-2010	Amend	7-1-2010
409-025-0100	3-1-2010	Adopt	4-1-2010	410-122-0080	7-1-2010	Amend	7-1-2010
409-025-0110	3-1-2010	Adopt	4-1-2010	410-122-0182	1-1-2010	Amend	1-1-2010
409-025-0120	3-1-2010	Adopt	4-1-2010	410-122-0184	7-1-2010	Amend	7-1-2010
409-025-0130	3-1-2010	Adopt	4-1-2010	410-122-0202	7-1-2010	Amend	7-1-2010
409-025-0140	3-1-2010	Adopt	4-1-2010	410-122-0203	1-1-2010	Amend	1-1-2010
409-025-0150	3-1-2010	Adopt	4-1-2010	410-122-0203	7-1-2010	Amend	7-1-2010
409-025-0160	3-1-2010	Adopt	4-1-2010	410-122-0205	7-1-2010	Amend	7-1-2010
409-025-0170	3-1-2010	Adopt	4-1-2010	410-122-0207	7-1-2010	Amend	7-1-2010
409-026-0100	1-1-2010	Adopt	2-1-2010	410-122-0208	7-1-2010	Amend	7-1-2010

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410-122-0211	7-1-2010	Amend	7-1-2010	410-138-0390	11-16-2009	Adopt(T)	1-1-2010
410-122-0280	7-1-2010	Amend	7-1-2010	410-138-0390	1-1-2010	Adopt	1-1-2010
410-122-0325	7-1-2010	Amend	7-1-2010	410-138-0390	7-1-2010	Amend	8-1-2010
410-122-0340	7-1-2010	Amend	7-1-2010	410-138-0390(T)	1-1-2010	Repeal	1-1-2010
410-122-0540	7-1-2010	Amend	7-1-2010	410-138-0400	7-1-2010	Adopt	8-1-2010
410-122-0560	7-1-2010	Amend	7-1-2010	410-138-0420	7-1-2010	Adopt	8-1-2010
410-122-0625	7-1-2010	Amend	7-1-2010	410-138-0440	7-1-2010	Adopt	8-1-2010
410-122-0630	7-1-2010	Amend	7-1-2010	410-138-0460	7-1-2010	Adopt	8-1-2010
410-122-0655	7-1-2010	Amend	7-1-2010	410-138-0500	7-1-2010	Amend	8-1-2010
410-122-0658	7-1-2010	Amend	7-1-2010	410-138-0520	1-1-2010	Repeal	1-1-2010
410-122-0660	1-1-2010	Amend	1-1-2010	410-138-0530	7-1-2010	Repeal	8-1-2010
410-122-0662	1-1-2010	Amend	1-1-2010	410-138-0540	7-1-2010	Amend	8-1-2010
410-122-0662	7-1-2010	Amend	7-1-2010	410-138-0560	1-1-2010	Amend	1-1-2010
410-122-0680	7-1-2010	Amend	7-1-2010	410-138-0560	7-1-2010	Amend	8-1-2010
410-122-0720	7-1-2010	Amend	7-1-2010	410-138-0600	7-1-2010	Amend	8-1-2010
410-123-1000	1-1-2010	Amend	1-1-2010	410-138-0610	7-1-2010	Repeal	8-1-2010
410-123-1000	7-1-2010	Amend	7-1-2010	410-138-0620	1-1-2010	Repeal	1-1-2010
410-123-1160	1-1-2010	Amend	1-1-2010	410-138-0640	7-1-2010	Amend	8-1-2010
410-123-1160	7-1-2010	Amend	7-1-2010	410-138-0660	7-1-2010	Amend	8-1-2010
410-123-1220	1-1-2010	Amend	1-1-2010	410-138-0680	1-1-2010	Amend	1-1-2010
410-123-1220	7-1-2010	Amend	7-1-2010	410-138-0700	7-1-2010	Amend	8-1-2010
410-123-1260	1-1-2010	Amend	1-1-2010	410-138-0710	7-1-2010	Amend	8-1-2010
410-123-1260	7-1-2010	Amend	7-1-2010	410-138-0720	1-1-2010	Repeal	1-1-2010
410-130-0200	7-1-2010	Amend	7-1-2010	410-138-0740	7-1-2010	Amend	8-1-2010
410-130-0220	7-1-2010	Amend	7-1-2010	410-138-0760	7-1-2010	Amend	8-1-2010
410-130-0245	7-1-2010	Amend	7-1-2010	410-138-0780	7-1-2010	Amend	8-1-2010
410-130-0255	7-1-2010	Amend	7-1-2010	410-140-0050	1-1-2010	Amend	1-1-2010
410-130-0595	4-15-2010	Amend(T)	5-1-2010	410-140-0115	1-1-2010	Repeal	1-1-2010
410-136-0245	1-1-2010	Adopt	1-1-2010	410-140-0140	1-1-2010	Amend	1-1-2010
410-136-0245	4-1-2010	Amend(T)	5-1-2010	410-140-0160	1-1-2010	Amend	1-1-2010
410-136-0245	7-1-2010	Amend	8-1-2010	410-140-0200	1-1-2010	Amend	1-1-2010
410-138-0000	7-1-2010	Amend	8-1-2010	410-140-0260	1-1-2010	Amend	1-1-2010
410-138-0005	7-1-2010	Amend	8-1-2010	410-141-0000	1-1-2010	Amend	1-1-2010
410-138-0007	7-1-2010	Amend	8-1-2010	410-141-0000	7-1-2010	Amend	7-1-2010
410-138-0009	1-1-2010	Amend	1-1-2010	410-141-0070	7-1-2010	Amend	7-1-2010
410-138-0009	7-1-2010	Amend	8-1-2010	410-141-0160	7-1-2010	Amend	7-1-2010
410-138-0020	1-1-2010	Amend	1-1-2010	410-141-0200	7-1-2010	Amend	7-1-2010
410-138-0020	7-1-2010	Amend	8-1-2010	410-141-0220	7-1-2010	Amend	7-1-2010
410-138-0040	7-1-2010	Amend	8-1-2010	410-141-0261	1-1-2010	Amend	1-1-2010
410-138-0060	7-1-2010	Amend	8-1-2010	410-141-0263	1-1-2010	Amend	1-1-2010
410-138-0080	7-1-2010	Amend	8-1-2010	410-141-0264	1-1-2010	Amend	1-1-2010
410-138-0300	11-16-2009	Amend(T)	1-1-2010	410-141-0300	7-1-2010	Amend	7-1-2010
410-138-0300	1-1-2010	Amend	1-1-2010	410-141-0405	1-1-2010	Amend	1-1-2010
410-138-0300	7-1-2010	Amend	8-1-2010	410-141-0405	7-1-2010	Amend	7-1-2010
410-138-0300(T)	1-1-2010	Repeal	1-1-2010	410-141-0407	7-1-2010	Amend	7-1-2010
410-138-0320	1-1-2010	Repeal	1-1-2010	410-141-0420	1-1-2010	Amend	1-1-2010
410-138-0340	11-16-2009	Suspend	1-1-2010	410-141-0420	7-1-2010	Amend	7-1-2010
410-138-0340	1-1-2010	Repeal	1-1-2010	410-141-0480	6-3-2010	Amend(T)	7-1-2010
410-138-0360	11-16-2009	Amend(T)	1-1-2010	410-141-0520	1-1-2010	Amend(T)	1-1-2010
410-138-0360	1-1-2010	Amend	1-1-2010	410-141-0520	1-15-2010	Amend(T)	2-1-2010
410-138-0360	7-1-2010	Amend	8-1-2010	410-141-0520	3-17-2010	Amend	4-1-2010
410-138-0360(T)	1-1-2010	Repeal	1-1-2010	410-141-0520	4-1-2010	Amend(T)	5-1-2010
410-138-0380	11-16-2009	Amend(T)	1-1-2010	410-141-0520	4-26-2010	Amend	6-1-2010
410-138-0380	1-1-2010	Amend	1-1-2010	410-141-0520(T)	1-1-2010	Suspend	1-1-2010
410-138-0380	7-1-2010	Amend	8-1-2010	410-141-0520(T)	1-15-2010	Suspend	2-1-2010

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410-141-0520(T)	4-26-2010	Repeal	6-1-2010	411-020-0120(T)	7-1-2010	Repeal	8-1-2010
410-141-0740	7-1-2010	Amend	7-1-2010	411-020-0130	7-1-2010	Amend	8-1-2010
410-146-0021	1-1-2010	Amend	1-1-2010	411-021-0000	7-1-2010	Repeal	8-1-2010
410-146-0085	1-1-2010	Amend	1-1-2010	411-021-0005	7-1-2010	Repeal	8-1-2010
410-146-0240	1-1-2010	Amend	1-1-2010	411-021-0010	7-1-2010	Repeal	8-1-2010
410-146-0340	1-1-2010	Repeal	1-1-2010	411-021-0015	7-1-2010	Repeal	8-1-2010
410-147-0120	1-1-2010	Amend	1-1-2010	411-021-0020	7-1-2010	Repeal	8-1-2010
410-147-0320	1-1-2010	Amend	1-1-2010	411-021-0025	7-1-2010	Repeal	8-1-2010
410-147-0365	5-1-2010	Amend(T)	5-1-2010	411-026-0000	8-1-2010	Amend	9-1-2010
410-147-0365	7-1-2010	Amend	8-1-2010	411-026-0010	8-1-2010	Amend	9-1-2010
410-147-0365(T)	7-1-2010	Repeal	8-1-2010	411-026-0020	8-1-2010	Amend	9-1-2010
410-147-0400	1-1-2010	Amend	1-1-2010	411-026-0030	8-1-2010	Amend	9-1-2010
410-147-0620	1-1-2010	Repeal	1-1-2010	411-026-0040	8-1-2010	Repeal	9-1-2010
410-149-0000	1-1-2010	Repeal	1-1-2010	411-026-0050	8-1-2010	Amend	9-1-2010
410-149-0020	1-1-2010	Repeal	1-1-2010	411-026-0060	8-1-2010	Amend	9-1-2010
410-149-0040	1-1-2010	Repeal	1-1-2010	411-026-0070	8-1-2010	Amend	9-1-2010
410-149-0060	1-1-2010	Repeal	1-1-2010	411-026-0080	8-1-2010	Amend	9-1-2010
410-149-0080	1-1-2010	Repeal	1-1-2010	411-031-0020	5-30-2010	Amend	7-1-2010
410-150-0080	1-1-2010	Amend	1-1-2010	411-031-0020	7-1-2010	Amend(T)	8-1-2010
410-150-0120	1-1-2010	Repeal	1-1-2010	411-031-0030	5-30-2010	Amend	7-1-2010
410-150-0160	1-1-2010	Repeal	1-1-2010	411-031-0040	12-1-2009	Amend(T)	1-1-2010
410-150-0240	1-1-2010	Repeal	1-1-2010	411-031-0040	5-30-2010	Amend	7-1-2010
411-001-0100	1-1-2010	Amend	2-1-2010	411-031-0040	7-1-2010	Amend(T)	8-1-2010
411-001-0110	1-1-2010	Amend	2-1-2010	411-031-0040(T)	5-30-2010	Repeal	7-1-2010
411-001-0115	1-1-2010	Adopt	2-1-2010	411-031-0050	5-30-2010	Amend	7-1-2010
411-001-0118	1-1-2010	Adopt	2-1-2010	411-032-0001	6-30-2010	Amend(T)	8-1-2010
411-001-0120	1-1-2010	Amend	2-1-2010	411-032-0001	7-1-2010	Amend(T)	8-1-2010
411-020-0000	7-1-2010	Amend	8-1-2010	411-032-0001	7-30-2010	Amend(T)	9-1-2010
411-020-0002	1-1-2010	Amend(T)	2-1-2010	411-032-0001(T)	7-1-2010	Suspend	8-1-2010
411-020-0002	7-1-2010	Amend	8-1-2010	411-032-0001(T)	7-30-2010	Suspend	9-1-2010
411-020-0002(T)	7-1-2010	Repeal	8-1-2010	411-034-0000	6-30-2010	Amend(T)	8-1-2010
411-020-0010	7-1-2010	Amend	8-1-2010	411-034-0000	7-29-2010	Amend(T)	9-1-2010
411-020-0015	7-1-2010	Amend	8-1-2010	411-034-0000(T)	7-29-2010	Suspend	9-1-2010
411-020-0020	1-1-2010	Amend(T)	2-1-2010	411-050-0400	1-1-2010	Amend(T)	2-1-2010
411-020-0020	7-1-2010	Amend	8-1-2010	411-050-0400	7-1-2010	Amend	8-1-2010
411-020-0020(T)	7-1-2010	Repeal	8-1-2010	411-050-0400(T)	7-1-2010	Repeal	8-1-2010
411-020-0025	1-1-2010	Adopt(T)	2-1-2010	411-050-0405	7-1-2010	Amend	8-1-2010
411-020-0025	7-1-2010	Adopt	8-1-2010	411-050-0408	7-1-2010	Amend	8-1-2010
411-020-0025(T)	7-1-2010	Repeal	8-1-2010	411-050-0410	1-1-2010	Amend(T)	2-1-2010
411-020-0030	1-1-2010	Amend(T)	2-1-2010	411-050-0410	7-1-2010	Amend	8-1-2010
411-020-0030	7-1-2010	Amend	8-1-2010	411-050-0410(T)	7-1-2010	Repeal	8-1-2010
411-020-0030(T)	7-1-2010	Repeal	8-1-2010	411-050-0412	1-1-2010	Amend(T)	2-1-2010
411-020-0040	7-1-2010	Amend	8-1-2010	411-050-0412	3-11-2010	Amend(T)	4-1-2010
411-020-0060	7-1-2010	Amend	8-1-2010	411-050-0412	7-1-2010	Amend	8-1-2010
411-020-0070	7-1-2010	Amend	8-1-2010	411-050-0412(T)	3-11-2010	Suspend	4-1-2010
411-020-0080	7-1-2010	Amend	8-1-2010	411-050-0412(T)	7-1-2010	Repeal	8-1-2010
411-020-0085	1-1-2010	Adopt(T)	2-1-2010	411-050-0415	1-1-2010	Amend(T)	2-1-2010
411-020-0085	7-1-2010	Adopt	8-1-2010	411-050-0415	7-1-2010	Amend	8-1-2010
411-020-0085(T)	7-1-2010	Repeal	8-1-2010	411-050-0415(T)	7-1-2010	Repeal	8-1-2010
411-020-0090	7-1-2010	Amend	8-1-2010	411-050-0420	1-1-2010	Amend(T)	2-1-2010
411-020-0100	1-1-2010	Amend(T)	2-1-2010	411-050-0420	7-1-2010	Amend	8-1-2010
411-020-0100	7-1-2010	Amend	8-1-2010	411-050-0420(T)	7-1-2010	Repeal	8-1-2010
411-020-0100(T)	7-1-2010	Repeal	8-1-2010	411-050-0430	7-1-2010	Amend	8-1-2010
411-020-0110	7-1-2010	Amend	8-1-2010	411-050-0435	7-1-2010	Amend	8-1-2010
411-020-0120	1-1-2010	Amend(T)	2-1-2010	411-050-0440	1-1-2010	Amend(T)	2-1-2010

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411-050-0440(T)	7-1-2010	Repeal	8-1-2010	411-070-0035	12-1-2009	Amend	1-1-2010
411-050-0443	7-1-2010	Amend	8-1-2010	411-070-0040	12-1-2009	Amend	1-1-2010
411-050-0444	1-1-2010	Amend(T)	2-1-2010	411-070-0043	12-1-2009	Amend	1-1-2010
411-050-0444	7-1-2010	Amend	8-1-2010	411-070-0080	12-1-2009	Amend	1-1-2010
411-050-0444(T)	7-1-2010	Repeal	8-1-2010	411-070-0110	12-1-2009	Amend	1-1-2010
411-050-0445	7-1-2010	Amend	8-1-2010	411-070-0125	12-1-2009	Amend	1-1-2010
411-050-0447	7-1-2010	Amend	8-1-2010	411-070-0130	12-1-2009	Amend	1-1-2010
411-050-0455	1-1-2010	Amend(T)	2-1-2010	411-070-0300	12-1-2009	Amend	1-1-2010
411-050-0455	7-1-2010	Amend	8-1-2010	411-070-0350	12-1-2009	Amend	1-1-2010
411-050-0455(T)	7-1-2010	Repeal	8-1-2010	411-070-0359	12-1-2009	Amend	1-1-2010
411-050-0460	1-1-2010	Amend(T)	2-1-2010	411-070-0415	12-1-2009	Amend	1-1-2010
411-050-0460	7-1-2010	Amend	8-1-2010	411-070-0417	12-1-2009	Amend	1-1-2010
411-050-0460(T)	7-1-2010	Repeal	8-1-2010	411-070-0430	12-1-2009	Amend	1-1-2010
411-050-0465	7-1-2010	Amend	8-1-2010	411-070-0442	12-1-2009	Amend	1-1-2010
411-050-0480	1-1-2010	Amend(T)	2-1-2010	411-070-0442(T)	12-1-2009	Repeal	1-1-2010
411-050-0480	7-1-2010	Amend	8-1-2010	411-070-0452	12-1-2009	Amend	1-1-2010
411-050-0480(T)	7-1-2010	Repeal	8-1-2010	411-070-0470	12-1-2009	Amend	1-1-2010
411-050-0481	1-1-2010	Amend(T)	2-1-2010	411-085-0005	1-1-2010	Amend(T)	2-1-2010
411-050-0481	7-1-2010	Amend	8-1-2010	411-085-0005	7-1-2010	Amend	8-1-2010
411-050-0481(T)	7-1-2010	Repeal	8-1-2010	411-085-0005(T)	7-1-2010	Repeal	8-1-2010
411-050-0487	1-1-2010	Amend(T)	2-1-2010	411-085-0020	1-1-2010	Amend	2-1-2010
411-050-0487	7-1-2010	Amend	8-1-2010	411-085-0020	1-1-2010	Amend(T)	2-1-2010
411-050-0487(T)	7-1-2010	Repeal	8-1-2010	411-085-0020	7-1-2010	Amend	8-1-2010
411-050-0490	7-1-2010	Amend	8-1-2010	411-085-0020(T)	7-1-2010	Repeal	8-1-2010
411-050-0491	7-1-2010	Amend	8-1-2010	411-089-0030	1-1-2010	Amend(T)	2-1-2010
411-054-0005	1-1-2010	Amend(T)	2-1-2010	411-089-0030	7-1-2010	Amend	8-1-2010
411-054-0005	7-1-2010	Amend	8-1-2010	411-089-0030(T)	7-1-2010	Repeal	8-1-2010
411-054-0013	7-1-2010	Amend	8-1-2010	411-089-0070	7-1-2010	Adopt	8-1-2010
411-054-0016	1-1-2010	Amend(T)	2-1-2010	411-089-0075	1-1-2010	Adopt(T)	2-1-2010
411-054-0016	7-1-2010	Amend	8-1-2010	411-089-0075	7-1-2010	Adopt	8-1-2010
411-054-0016(T)	7-1-2010	Repeal	8-1-2010	411-089-0075(T)	7-1-2010	Repeal	8-1-2010
411-054-0025	1-1-2010	Amend(T)	2-1-2010	411-089-0140	1-1-2010	Amend(T)	2-1-2010
411-054-0025	3-11-2010	Amend(T)	4-1-2010	411-089-0140	7-1-2010	Amend	8-1-2010
411-054-0025	7-1-2010	Amend	8-1-2010	411-089-0140(T)	7-1-2010	Repeal	8-1-2010
411-054-0025(T)	3-11-2010	Suspend	4-1-2010	411-089-0150	1-1-2010	Suspend	2-1-2010
411-054-0025(T)	7-1-2010	Repeal	8-1-2010	411-089-0150	7-1-2010	Repeal	8-1-2010
411-054-0065	1-1-2010	Amend(T)	2-1-2010	411-300-0110	1-1-2010	Amend(T)	2-1-2010
411-054-0065	7-1-2010	Amend	8-1-2010	411-300-0110	7-1-2010	Amend	8-1-2010
411-054-0065(T)	7-1-2010	Repeal	8-1-2010	411-300-0110(T)	7-1-2010	Repeal	8-1-2010
411-054-0105	1-1-2010	Amend(T)	2-1-2010	411-300-0155	1-1-2010	Amend(T)	2-1-2010
411-054-0105	7-1-2010	Amend	8-1-2010	411-300-0155	3-18-2010	Amend(T)	5-1-2010
411-054-0105(T)	7-1-2010	Repeal	8-1-2010	411-300-0155	7-1-2010	Amend	8-1-2010
411-054-0120	1-1-2010	Amend(T)	2-1-2010	411-300-0155(T)	3-18-2010	Suspend	5-1-2010
411-054-0120	7-1-2010	Amend	8-1-2010	411-300-0155(T)	7-1-2010	Repeal	8-1-2010
411-054-0120(T)	7-1-2010	Repeal	8-1-2010	411-300-0170	1-1-2010	Amend(T)	2-1-2010
411-054-0133	1-1-2010	Adopt(T)	2-1-2010	411-300-0170	3-18-2010	Amend(T)	5-1-2010
411-054-0133	7-1-2010	Adopt	8-1-2010	411-300-0170	7-1-2010	Amend	8-1-2010
411-054-0133(T)	7-1-2010	Repeal	8-1-2010	411-300-0170(T)	3-18-2010	Suspend	5-1-2010
411-070-0000	12-1-2009	Amend	1-1-2010	411-300-0170(T)	7-1-2010	Repeal	8-1-2010
411-070-0005	12-1-2009	Amend	1-1-2010	411-300-0200	1-1-2010	Amend(T)	2-1-2010
411-070-0005(T)	12-1-2009	Repeal	1-1-2010	411-300-0200	3-18-2010	Amend(T)	5-1-2010
411-070-0010	12-1-2009	Amend	1-1-2010	411-300-0200	7-1-2010	Amend	8-1-2010
411-070-0025	12-1-2009	Amend	1-1-2010	411-300-0200(T)	3-18-2010	Suspend	5-1-2010
411-070-0027	12-1-2009	Amend	1-1-2010	411-300-0200(T)	7-1-2010	Repeal	8-1-2010
411-070-0029	12-1-2009	Amend	1-1-2010	411-300-0220	1-1-2010	Amend(T)	2-1-2010

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411-300-0220	7-1-2010	Amend	8-1-2010	411-308-0100	1-1-2010	Amend(T)	2-1-2010
411-300-0220(T)	7-1-2010	Repeal	8-1-2010	411-308-0100	7-1-2010	Amend	8-1-2010
411-305-0005	7-9-2010	Adopt(T)	8-1-2010	411-308-0100(T)	12-28-2009	Repeal	2-1-2010
411-305-0005(T)	7-29-2010	Suspend	9-1-2010	411-308-0100(T)	7-1-2010	Repeal	8-1-2010
411-305-0010	1-1-2010	Amend(T)	2-1-2010	411-308-0110	12-28-2009	Adopt	2-1-2010
411-305-0010	7-1-2010	Amend	8-1-2010	411-308-0110	1-1-2010	Amend(T)	2-1-2010
411-305-0010(T)	7-1-2010	Repeal	8-1-2010	411-308-0110	3-18-2010	Amend(T)	5-1-2010
411-305-0020	1-1-2010	Amend(T)	2-1-2010	411-308-0110	7-1-2010	Amend	8-1-2010
411-305-0020	7-1-2010	Amend	8-1-2010	411-308-0110(T)	12-28-2009	Repeal	2-1-2010
411-305-0020(T)	7-1-2010	Repeal	8-1-2010	411-308-0110(T)	3-18-2010	Suspend	5-1-2010
411-305-0023	1-1-2010	Amend(T)	2-1-2010	411-308-0110(T)	7-1-2010	Repeal	8-1-2010
411-305-0023	7-1-2010	Amend	8-1-2010	411-308-0120	12-28-2009	Adopt	2-1-2010
411-305-0023(T)	7-1-2010	Repeal	8-1-2010	411-308-0120(T)	12-28-2009	Repeal	2-1-2010
411-305-0050	7-1-2010	Amend	8-1-2010	411-308-0130	12-28-2009	Adopt	2-1-2010
411-305-0090	7-1-2010	Amend	8-1-2010	411-308-0130	1-1-2010	Amend(T)	2-1-2010
411-305-0110	1-1-2010	Amend(T)	2-1-2010	411-308-0130	3-18-2010	Amend(T)	5-1-2010
411-305-0110	7-1-2010	Amend	8-1-2010	411-308-0130	7-1-2010	Amend	8-1-2010
411-305-0110(T)	7-1-2010	Repeal	8-1-2010	411-308-0130(T)	12-28-2009	Repeal	2-1-2010
411-305-0115	1-1-2010	Amend(T)	2-1-2010	411-308-0130(T)	3-18-2010	Suspend	5-1-2010
411-305-0115	3-18-2010	Amend(T)	5-1-2010	411-308-0130(T)	7-1-2010	Repeal	8-1-2010
411-305-0115	7-1-2010	Amend	8-1-2010	411-308-0140	12-28-2009	Adopt	2-1-2010
411-305-0115(T)	3-18-2010	Suspend	5-1-2010	411-308-0140(T)	12-28-2009	Repeal	2-1-2010
411-305-0115(T)	7-1-2010	Repeal	8-1-2010	411-308-0150	12-28-2009	Adopt	2-1-2010
411-305-0140	1-1-2010	Amend(T)	2-1-2010	411-308-0150(T)	12-28-2009	Repeal	2-1-2010
411-305-0140	3-18-2010	Amend(T)	5-1-2010	411-320-0020	1-1-2010	Amend(T)	2-1-2010
411-305-0140	7-1-2010	Amend	8-1-2010	411-320-0020	7-1-2010	Amend	8-1-2010
411-305-0140(T)	3-18-2010	Suspend	5-1-2010	411-320-0020	7-4-2010	Amend(T)	8-1-2010
411-305-0140(T)	7-1-2010	Repeal	8-1-2010	411-320-0020(T)	7-1-2010	Repeal	8-1-2010
411-308-0010	12-28-2009	Adopt	2-1-2010	411-320-0030	1-1-2010	Amend(T)	2-1-2010
411-308-0010(T)	12-28-2009	Repeal	2-1-2010	411-320-0030	3-18-2010	Amend(T)	5-1-2010
411-308-0020	12-28-2009	Adopt	2-1-2010	411-320-0030	7-1-2010	Amend	8-1-2010
411-308-0020	1-1-2010	Amend(T)	2-1-2010	411-320-0030(T)	3-18-2010	Suspend	5-1-2010
411-308-0020	7-1-2010	Amend	8-1-2010	411-320-0030(T)	7-1-2010	Repeal	8-1-2010
411-308-0020(T)	12-28-2009	Repeal	2-1-2010	411-320-0080	7-4-2010	Amend(T)	8-1-2010
411-308-0020(T)	7-1-2010	Repeal	8-1-2010	411-320-0140	1-1-2010	Amend(T)	2-1-2010
411-308-0030	12-28-2009	Adopt	2-1-2010	411-320-0140	7-1-2010	Amend	8-1-2010
411-308-0030	1-1-2010	Amend(T)	2-1-2010	411-320-0140(T)	7-1-2010	Repeal	8-1-2010
411-308-0030	7-1-2010	Amend	8-1-2010	411-320-0175	7-4-2010	Amend(T)	8-1-2010
411-308-0030(T)	12-28-2009	Repeal	2-1-2010	411-325-0020	1-1-2010	Amend(T)	2-1-2010
411-308-0030(T)	7-1-2010	Repeal	8-1-2010	411-325-0020	7-1-2010	Amend	8-1-2010
411-308-0040	12-28-2009	Adopt	2-1-2010	411-325-0020(T)	7-1-2010	Repeal	8-1-2010
411-308-0040(T)	12-28-2009	Repeal	2-1-2010	411-325-0100	1-1-2010	Amend(T)	2-1-2010
411-308-0050	12-28-2009	Adopt	2-1-2010	411-325-0100	7-1-2010	Amend	8-1-2010
411-308-0050(T)	12-28-2009	Repeal	2-1-2010	411-325-0100(T)	7-1-2010	Repeal	8-1-2010
411-308-0060	12-28-2009	Adopt	2-1-2010	411-325-0160	1-1-2010	Amend(T)	2-1-2010
411-308-0060(T)	12-28-2009	Repeal	2-1-2010	411-325-0160	3-18-2010	Amend(T)	5-1-2010
411-308-0070	12-28-2009	Adopt	2-1-2010	411-325-0160	7-1-2010	Amend	8-1-2010
411-308-0070(T)	12-28-2009	Repeal	2-1-2010	411-325-0160(T)	3-18-2010	Suspend	5-1-2010
411-308-0080	12-28-2009	Adopt	2-1-2010	411-325-0160(T)	7-1-2010	Repeal	8-1-2010
411-308-0080(T)	12-28-2009	Repeal	2-1-2010	411-325-0190	1-1-2010	Amend(T)	2-1-2010
411-308-0090	12-28-2009	Adopt	2-1-2010	411-325-0190	7-1-2010	Amend	8-1-2010
411-308-0090	1-1-2010	Amend(T)	2-1-2010	411-325-0190(T)	7-1-2010	Repeal	8-1-2010
411-308-0090	7-1-2010	Amend	8-1-2010	411-328-0560	1-1-2010	Amend(T)	2-1-2010
411-308-0090(T)	12-28-2009	Repeal	2-1-2010	411-328-0560	7-1-2010	Amend	8-1-2010
411-308-0090(T)	7-1-2010	Repeal	8-1-2010	411-328-0560(T)	7-1-2010	Repeal	8-1-2010
411-308-0100	12-28-2009	Adopt	2-1-2010	411-328-0610	1-1-2010	Amend(T)	2-1-2010

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411-328-0610	7-1-2010	Amend	8-1-2010	411-340-0050	7-1-2010	Amend	8-1-2010
411-328-0610(T)	7-1-2010	Repeal	8-1-2010	411-340-0050(T)	7-1-2010	Repeal	8-1-2010
411-328-0670	1-1-2010	Amend(T)	2-1-2010	411-340-0070	1-1-2010	Amend(T)	2-1-2010
411-328-0670	3-18-2010	Amend(T)	5-1-2010	411-340-0070	3-18-2010	Amend(T)	5-1-2010
411-328-0670	7-1-2010	Amend	8-1-2010	411-340-0070	7-1-2010	Amend	8-1-2010
411-328-0670(T)	3-18-2010	Suspend	5-1-2010	411-340-0070(T)	3-18-2010	Suspend	5-1-2010
411-328-0670(T)	7-1-2010	Repeal	8-1-2010	411-340-0070(T)	7-1-2010	Repeal	8-1-2010
411-330-0010	1-1-2010	Amend(T)	2-1-2010	411-340-0080	1-1-2010	Amend(T)	2-1-2010
411-330-0010	7-1-2010	Amend	8-1-2010	411-340-0080	7-1-2010	Amend	8-1-2010
411-330-0010(T)	7-1-2010	Repeal	8-1-2010	411-340-0080(T)	7-1-2010	Repeal	8-1-2010
411-330-0020	1-1-2010	Amend(T)	2-1-2010	411-340-0130	1-1-2010	Amend(T)	2-1-2010
411-330-0020	7-1-2010	Amend	8-1-2010	411-340-0130	7-1-2010	Amend	8-1-2010
411-330-0020(T)	7-1-2010	Repeal	8-1-2010	411-340-0130(T)	7-1-2010	Repeal	8-1-2010
411-330-0060	1-1-2010	Amend(T)	2-1-2010	411-340-0140	1-1-2010	Amend(T)	2-1-2010
411-330-0060	3-18-2010	Amend(T)	5-1-2010	411-340-0140	3-18-2010	Amend(T)	5-1-2010
411-330-0060	7-1-2010	Amend	8-1-2010	411-340-0140	7-1-2010	Amend	8-1-2010
411-330-0060(T)	3-18-2010	Suspend	5-1-2010	411-340-0140(T)	3-18-2010	Suspend	5-1-2010
411-330-0060(T)	7-1-2010	Repeal	8-1-2010	411-340-0140(T)	7-1-2010	Repeal	8-1-2010
411-330-0070	1-1-2010	Amend(T)	2-1-2010	411-340-0160	1-1-2010	Amend(T)	2-1-2010
411-330-0070	3-18-2010	Amend(T)	5-1-2010	411-340-0160	3-18-2010	Amend(T)	5-1-2010
411-330-0070	7-1-2010	Amend	8-1-2010	411-340-0160	7-1-2010	Amend	8-1-2010
411-330-0070(T)	3-18-2010	Suspend	5-1-2010	411-340-0160(T)	3-18-2010	Suspend	5-1-2010
411-330-0070(T)	7-1-2010	Repeal	8-1-2010	411-340-0160(T)	7-1-2010	Repeal	8-1-2010
411-330-0100	1-1-2010	Amend(T)	2-1-2010	411-345-0020	1-1-2010	Amend(T)	2-1-2010
411-330-0100	7-1-2010	Amend	8-1-2010	411-345-0020	7-1-2010	Amend	8-1-2010
411-330-0100(T)	7-1-2010	Repeal	8-1-2010	411-345-0020(T)	7-1-2010	Repeal	8-1-2010
411-330-0120	1-1-2010	Amend(T)	2-1-2010	411-345-0080	1-1-2010	Amend(T)	2-1-2010
411-330-0120	7-1-2010	Amend	8-1-2010	411-345-0080	7-1-2010	Amend	8-1-2010
411-330-0120(T)	7-1-2010	Repeal	8-1-2010	411-345-0080(T)	7-1-2010	Repeal	8-1-2010
411-330-0140	1-1-2010	Amend(T)	2-1-2010	411-345-0100	1-1-2010	Amend(T)	2-1-2010
411-330-0140	7-1-2010	Amend	8-1-2010	411-345-0100	7-1-2010	Amend	8-1-2010
411-330-0140(T)	7-1-2010	Repeal	8-1-2010	411-345-0100(T)	7-1-2010	Repeal	8-1-2010
411-330-0160	1-1-2010	Amend(T)	2-1-2010	411-345-0210	1-1-2010	Amend(T)	2-1-2010
411-330-0160	7-1-2010	Amend	8-1-2010	411-345-0210	3-18-2010	Amend(T)	5-1-2010
411-330-0160(T)	7-1-2010	Repeal	8-1-2010	411-345-0210	7-1-2010	Amend	8-1-2010
411-335-0020	1-1-2010	Amend(T)	2-1-2010	411-345-0210(T)	3-18-2010	Suspend	5-1-2010
411-335-0020	7-1-2010	Amend	8-1-2010	411-345-0210(T)	7-1-2010	Repeal	8-1-2010
411-335-0020(T)	7-1-2010	Repeal	8-1-2010	411-345-0230	1-1-2010	Amend(T)	2-1-2010
411-335-0030	1-1-2010	Amend(T)	2-1-2010	411-345-0230	7-1-2010	Amend	8-1-2010
411-335-0030	3-18-2010	Amend(T)	5-1-2010	411-345-0230(T)	7-1-2010	Repeal	8-1-2010
411-335-0030	7-1-2010	Amend	8-1-2010	411-345-0290	1-1-2010	Amend(T)	2-1-2010
411-335-0030(T)	3-18-2010	Suspend	5-1-2010	411-345-0290	7-1-2010	Amend	8-1-2010
411-335-0030(T)	7-1-2010	Repeal	8-1-2010	411-345-0290(T)	7-1-2010	Repeal	8-1-2010
411-335-0100	1-1-2010	Amend(T)	2-1-2010	411-346-0100	7-1-2010	Amend	8-1-2010
411-335-0100	7-1-2010	Amend	8-1-2010	411-346-0110	1-1-2010	Amend(T)	2-1-2010
411-335-0100(T)	7-1-2010	Repeal	8-1-2010	411-346-0110	7-1-2010	Amend	8-1-2010
411-340-0020	1-1-2010	Amend(T)	2-1-2010	411-346-0110(T)	7-1-2010	Repeal	8-1-2010
411-340-0020	7-1-2010	Amend	8-1-2010	411-346-0120	7-1-2010	Amend	8-1-2010
411-340-0020(T)	7-1-2010	Repeal	8-1-2010	411-346-0130	7-1-2010	Amend	8-1-2010
411-340-0030	1-1-2010	Amend(T)	2-1-2010	411-346-0140	7-1-2010	Amend	8-1-2010
411-340-0030	7-1-2010	Amend	8-1-2010	411-346-0150	1-1-2010	Amend(T)	2-1-2010
411-340-0030(T)	7-1-2010	Repeal	8-1-2010	411-346-0150	3-18-2010	Amend(T)	5-1-2010
411-340-0040	1-1-2010	Amend(T)	2-1-2010	411-346-0150	7-1-2010	Amend	8-1-2010
411-340-0040	7-1-2010	Amend	8-1-2010	411-346-0150(T)	3-18-2010	Suspend	5-1-2010
411-340-0040(T)	7-1-2010	Repeal	8-1-2010	411-346-0150(T)	7-1-2010	Repeal	8-1-2010
411-340-0050	1-1-2010	Amend(T)	2-1-2010	411-346-0160	7-1-2010	Amend	8-1-2010

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411-346-0170	7-1-2010	Amend	8-1-2010	411-360-0020	7-1-2010	Amend	8-1-2010
411-346-0180	1-1-2010	Amend(T)	2-1-2010	411-360-0020(T)	7-1-2010	Repeal	8-1-2010
411-346-0180	7-1-2010	Amend	8-1-2010	411-360-0030	7-1-2010	Amend	8-1-2010
411-346-0180(T)	7-1-2010	Repeal	8-1-2010	411-360-0040	1-1-2010	Amend(T)	2-1-2010
411-346-0190	7-1-2010	Amend	8-1-2010	411-360-0040	3-18-2010	Amend(T)	5-1-2010
411-346-0200	7-1-2010	Amend	8-1-2010	411-360-0040	7-1-2010	Amend	8-1-2010
411-346-0210	7-1-2010	Amend	8-1-2010	411-360-0040(T)	3-18-2010	Suspend	5-1-2010
411-346-0220	1-1-2010	Amend(T)	2-1-2010	411-360-0040(T)	7-1-2010	Repeal	8-1-2010
411-346-0220	3-18-2010	Amend(T)	5-1-2010	411-360-0050	1-1-2010	Amend(T)	2-1-2010
411-346-0220	7-1-2010	Amend	8-1-2010	411-360-0050	7-1-2010	Amend	8-1-2010
411-346-0220(T)	3-18-2010	Suspend	5-1-2010	411-360-0050(T)	7-1-2010	Repeal	8-1-2010
411-346-0220(T)	7-1-2010	Repeal	8-1-2010	411-360-0060	7-1-2010	Amend	8-1-2010
411-346-0230	7-1-2010	Amend	8-1-2010	411-360-0070	7-1-2010	Amend	8-1-2010
411-350-0020	1-1-2010	Amend(T)	2-1-2010	411-360-0080	7-1-2010	Amend	8-1-2010
411-350-0020	7-1-2010	Amend	8-1-2010	411-360-0090	1-1-2010	Amend(T)	2-1-2010
411-350-0020(T)	7-1-2010	Repeal	8-1-2010	411-360-0090	3-18-2010	Amend(T)	5-1-2010
411-350-0050	1-1-2010	Amend(T)	2-1-2010	411-360-0090	7-1-2010	Amend	8-1-2010
411-350-0050	7-1-2010	Amend	8-1-2010	411-360-0090(T)	3-18-2010	Suspend	5-1-2010
411-350-0050(T)	7-1-2010	Repeal	8-1-2010	411-360-0090(T)	7-1-2010	Repeal	8-1-2010
411-350-0080	1-1-2010	Amend(T)	2-1-2010	411-360-0100	7-1-2010	Amend	8-1-2010
411-350-0080	3-18-2010	Amend(T)	5-1-2010	411-360-0110	1-1-2010	Amend(T)	2-1-2010
411-350-0080	7-1-2010	Amend	8-1-2010	411-360-0110	3-18-2010	Amend(T)	5-1-2010
411-350-0080(T)	3-18-2010	Suspend	5-1-2010	411-360-0110	7-1-2010	Amend	8-1-2010
411-350-0080(T)	7-1-2010	Repeal	8-1-2010	411-360-0110(T)	3-18-2010	Suspend	5-1-2010
411-350-0110	1-1-2010	Amend(T)	2-1-2010	411-360-0110(T)	7-1-2010	Repeal	8-1-2010
411-350-0110	3-18-2010	Amend(T)	5-1-2010	411-360-0120	7-1-2010	Amend	8-1-2010
411-350-0110	7-1-2010	Amend	8-1-2010	411-360-0130	7-1-2010	Amend	8-1-2010
411-350-0110(T)	3-18-2010	Suspend	5-1-2010	411-360-0140	7-1-2010	Amend	8-1-2010
411-350-0110(T)	7-1-2010	Repeal	8-1-2010	411-360-0150	7-1-2010	Amend	8-1-2010
411-350-0120	1-1-2010	Amend(T)	2-1-2010	411-360-0160	7-1-2010	Amend	8-1-2010
411-350-0120	7-1-2010	Amend	8-1-2010	411-360-0170	7-1-2010	Amend	8-1-2010
411-350-0120(T)	7-1-2010	Repeal	8-1-2010	411-360-0180	7-1-2010	Amend	8-1-2010
411-355-0010	1-1-2010	Amend(T)	2-1-2010	411-360-0190	7-1-2010	Amend	8-1-2010
411-355-0010	7-1-2010	Amend	8-1-2010	411-360-0200	7-1-2010	Amend	8-1-2010
411-355-0010(T)	7-1-2010	Repeal	8-1-2010	411-360-0210	1-1-2010	Amend(T)	2-1-2010
411-355-0040	1-1-2010	Amend(T)	2-1-2010	411-360-0210	7-1-2010	Amend	8-1-2010
411-355-0040	7-1-2010	Amend	8-1-2010	411-360-0210(T)	7-1-2010	Repeal	8-1-2010
411-355-0040(T)	7-1-2010	Repeal	8-1-2010	411-360-0220	7-1-2010	Amend	8-1-2010
411-355-0050	1-1-2010	Amend(T)	2-1-2010	411-360-0230	7-1-2010	Amend	8-1-2010
411-355-0050	3-18-2010	Amend(T)	5-1-2010	411-360-0240	7-1-2010	Amend	8-1-2010
411-355-0050	7-1-2010	Amend	8-1-2010	411-360-0250	7-1-2010	Amend	8-1-2010
411-355-0050(T)	3-18-2010	Suspend	5-1-2010	411-360-0260	7-1-2010	Amend	8-1-2010
411-355-0050(T)	7-1-2010	Repeal	8-1-2010	411-360-0270	1-1-2010	Amend(T)	2-1-2010
411-355-0060	1-1-2010	Amend(T)	2-1-2010	411-360-0270	3-18-2010	Amend(T)	5-1-2010
411-355-0060	7-1-2010	Amend	8-1-2010	411-360-0270	7-1-2010	Amend	8-1-2010
411-355-0060(T)	7-1-2010	Repeal	8-1-2010	411-360-0270(T)	3-18-2010	Suspend	5-1-2010
411-355-0090	1-1-2010	Amend(T)	2-1-2010	411-360-0270(T)	7-1-2010	Repeal	8-1-2010
411-355-0090	3-18-2010	Amend(T)	5-1-2010	411-360-0275	7-1-2010	Amend	8-1-2010
411-355-0090	7-1-2010	Amend	8-1-2010	411-360-0280	7-1-2010	Amend	8-1-2010
411-355-0090(T)	3-18-2010	Suspend	5-1-2010	411-360-0290	7-1-2010	Amend	8-1-2010
411-355-0090(T)	7-1-2010	Repeal	8-1-2010	411-360-0300	7-1-2010	Amend	8-1-2010
411-355-0120	1-1-2010	Amend(T)	2-1-2010	411-360-0310	7-1-2010	Amend	8-1-2010
411-355-0120	7-1-2010	Amend	8-1-2010	411-540-0005(T)	7-1-2010	Repeal	8-1-2010
411-355-0120(T)	7-1-2010	Repeal	8-1-2010	413-010-0055	7-19-2010	Amend(T)	9-1-2010
411-360-0010	7-1-2010	Amend	8-1-2010	413-010-0081	7-1-2010	Amend(T)	8-1-2010

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413-010-0083	7-1-2010	Amend(T)	8-1-2010	413-070-0069	7-1-2010	Amend	8-1-2010
413-010-0084	7-1-2010	Suspend	8-1-2010	413-070-0072	7-1-2010	Amend	8-1-2010
413-010-0085	7-1-2010	Amend(T)	8-1-2010	413-070-0075	7-1-2010	Amend	8-1-2010
413-010-0086	7-1-2010	Amend(T)	8-1-2010	413-070-0078	7-1-2010	Amend	8-1-2010
413-010-0300	7-1-2010	Amend	8-1-2010	413-070-0081	7-1-2010	Amend	8-1-2010
413-010-0310	7-1-2010	Amend	8-1-2010	413-070-0087	7-1-2010	Amend	8-1-2010
413-010-0320	7-1-2010	Amend	8-1-2010	413-070-0090	7-1-2010	Repeal	8-1-2010
413-010-0330	7-1-2010	Amend	8-1-2010	413-070-0092	7-1-2010	Repeal	8-1-2010
413-010-0340	7-1-2010	Amend	8-1-2010	413-070-0093	7-1-2010	Repeal	8-1-2010
413-010-0500	12-29-2009	Amend	2-1-2010	413-070-0400	6-30-2010	Amend	8-1-2010
413-010-0505	12-29-2009	Adopt	2-1-2010	413-070-0410	6-30-2010	Amend	8-1-2010
413-010-0510	12-29-2009	Adopt	2-1-2010	413-070-0430	6-30-2010	Amend	8-1-2010
413-010-0515	12-29-2009	Adopt	2-1-2010	413-070-0440	6-30-2010	Repeal	8-1-2010
413-010-0520	12-29-2009	Adopt	2-1-2010	413-070-0450	6-30-2010	Amend	8-1-2010
413-010-0525	12-29-2009	Adopt	2-1-2010	413-070-0470	6-30-2010	Amend	8-1-2010
413-010-0530	12-29-2009	Adopt	2-1-2010	413-070-0480	6-30-2010	Amend	8-1-2010
413-010-0535	12-29-2009	Adopt	2-1-2010	413-070-0490	6-30-2010	Amend	8-1-2010
413-015-0115	6-15-2010	Amend(T)	7-1-2010	413-070-0520	7-1-2010	Amend(T)	8-1-2010
413-015-0415	1-1-2010	Amend(T)	2-1-2010	413-070-0524	7-1-2010	Amend(T)	8-1-2010
413-015-0415	4-2-2010	Amend	5-1-2010	413-070-0536	7-1-2010	Amend(T)	8-1-2010
413-015-0415(T)	4-2-2010	Repeal	5-1-2010	413-070-0540	7-1-2010	Amend(T)	8-1-2010
413-015-0420	2-12-2010	Amend(T)	3-1-2010	413-070-0550	7-1-2010	Amend(T)	8-1-2010
413-015-0420	4-2-2010	Amend	5-1-2010	413-070-0600	12-29-2009	Amend	2-1-2010
413-015-0420(T)	4-2-2010	Repeal	5-1-2010	413-070-0620	12-29-2009	Amend	2-1-2010
413-015-1105	6-15-2010	Amend(T)	7-1-2010	413-070-0625	12-29-2009	Amend	2-1-2010
413-015-1110	6-15-2010	Amend(T)	7-1-2010	413-070-0630	12-29-2009	Amend	2-1-2010
413-015-1120	6-15-2010	Amend(T)	7-1-2010	413-070-0640	12-29-2009	Amend	2-1-2010
413-015-1200	7-1-2010	Adopt	8-1-2010	413-070-0645	12-29-2009	Amend	2-1-2010
413-015-1210	7-1-2010	Adopt	8-1-2010	413-070-0900	12-16-2009	Amend(T)	2-1-2010
413-015-1220	7-1-2010	Adopt	8-1-2010	413-070-0900	6-15-2010	Amend	7-1-2010
413-015-1230	7-1-2010	Adopt	8-1-2010	413-070-0905	12-16-2009	Amend(T)	2-1-2010
413-020-0200	12-29-2009	Amend	2-1-2010	413-070-0905	2-1-2010	Amend(T)	3-1-2010
413-020-0210	12-29-2009	Amend	2-1-2010	413-070-0905	6-15-2010	Amend	7-1-2010
413-020-0230	12-29-2009	Amend	2-1-2010	413-070-0905(T)	2-1-2010	Suspend	3-1-2010
413-020-0233	12-29-2009	Amend	2-1-2010	413-070-0909	12-16-2009	Amend(T)	2-1-2010
413-020-0236	12-29-2009	Amend	2-1-2010	413-070-0909	6-15-2010	Amend	7-1-2010
413-020-0240	12-29-2009	Amend	2-1-2010	413-070-0915	12-16-2009	Amend(T)	2-1-2010
413-020-0245	12-29-2009	Amend	2-1-2010	413-070-0915	6-15-2010	Repeal	7-1-2010
413-020-0255	12-29-2009	Amend	2-1-2010	413-070-0917	12-16-2009	Amend(T)	2-1-2010
413-040-0000	12-29-2009	Amend	2-1-2010	413-070-0917	6-15-2010	Amend	7-1-2010
413-040-0005	12-29-2009	Amend	2-1-2010	413-070-0919	12-16-2009	Adopt(T)	2-1-2010
413-040-0006	12-29-2009	Amend	2-1-2010	413-070-0919	6-15-2010	Adopt	7-1-2010
413-040-0008	12-29-2009	Amend	2-1-2010	413-070-0920	12-16-2009	Am. & Ren.(T)	2-1-2010
413-040-0009	12-29-2009	Amend	2-1-2010	413-070-0920	6-15-2010	Am. & Ren.	7-1-2010
413-040-0010	12-29-2009	Amend	2-1-2010	413-070-0925	12-16-2009	Amend(T)	2-1-2010
413-040-0011	12-29-2009	Amend	2-1-2010	413-070-0925	2-1-2010	Amend(T)	3-1-2010
413-040-0013	12-29-2009	Amend	2-1-2010	413-070-0925	6-15-2010	Amend	7-1-2010
413-040-0016	12-29-2009	Amend	2-1-2010	413-070-0925(T)	2-1-2010	Suspend	3-1-2010
413-040-0017	12-29-2009	Amend	2-1-2010	413-070-0930	12-16-2009	Am. & Ren.(T)	2-1-2010
413-040-0024	12-29-2009	Amend	2-1-2010	413-070-0930	6-15-2010	Am. & Ren.	7-1-2010
413-040-0032	12-29-2009	Amend	2-1-2010	413-070-0935	12-16-2009	Am. & Ren.(T)	2-1-2010
413-040-0240	3-15-2010	Amend(T)	4-1-2010	413-070-0935	6-15-2010	Am. & Ren.	7-1-2010
413-070-0060	7-1-2010	Amend	8-1-2010	413-070-0937	12-16-2009	Am. & Ren.(T)	2-1-2010
413-070-0063	7-1-2010	Amend	8-1-2010	413-070-0937	6-15-2010	Am. & Ren.	7-1-2010
413-070-0066	7-1-2010	Amend	8-1-2010	413-070-0939	2-1-2010	Amend(T)	3-1-2010

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413-070-0940	12-16-2009	Am. & Ren.(T)	2-1-2010	413-100-0020	12-16-2009	Amend(T)	2-1-2010
413-070-0940	6-15-2010	Am. & Ren.	7-1-2010	413-100-0020	6-15-2010	Amend	7-1-2010
413-070-0945	12-16-2009	Am. & Ren.(T)	2-1-2010	413-100-0030	6-15-2010	Amend	7-1-2010
413-070-0945	6-15-2010	Am. & Ren.	7-1-2010	413-100-0060	6-15-2010	Amend	7-1-2010
413-070-0949	2-1-2010	Amend(T)	3-1-2010	413-100-0070	6-15-2010	Amend	7-1-2010
413-070-0949(T)	2-1-2010	Suspend	3-1-2010	413-100-0080	6-15-2010	Amend	7-1-2010
413-070-0955	12-16-2009	Am. & Ren.(T)	2-1-2010	413-100-0090	6-15-2010	Amend	7-1-2010
413-070-0955	6-15-2010	Am. & Ren.	7-1-2010	413-100-0110	6-15-2010	Amend	7-1-2010
413-070-0960	12-16-2009	Am. & Ren.(T)	2-1-2010	413-100-0120	6-15-2010	Amend	7-1-2010
413-070-0960	6-15-2010	Am. & Ren.	7-1-2010	413-100-0130	6-15-2010	Amend	7-1-2010
413-070-0964	2-1-2010	Amend(T)	3-1-2010	413-100-0135	6-15-2010	Amend	7-1-2010
413-070-0964(T)	2-1-2010	Suspend	3-1-2010	413-100-0150	6-15-2010	Amend	7-1-2010
413-070-0965	12-16-2009	Am. & Ren.(T)	2-1-2010	413-100-0160	6-15-2010	Amend	7-1-2010
413-070-0965	6-15-2010	Am. & Ren.	7-1-2010	413-100-0170	6-15-2010	Amend	7-1-2010
413-070-0969	12-16-2009	Adopt(T)	2-1-2010	413-100-0180	6-15-2010	Amend	7-1-2010
413-070-0969	6-15-2010	Adopt	7-1-2010	413-100-0190	6-15-2010	Amend	7-1-2010
413-070-0970	12-16-2009	Amend(T)	2-1-2010	413-100-0210	6-15-2010	Amend	7-1-2010
413-070-0970	6-15-2010	Amend	7-1-2010	413-100-0230	6-15-2010	Amend	7-1-2010
413-070-0974	2-1-2010	Amend(T)	3-1-2010	413-100-0240	6-15-2010	Amend	7-1-2010
413-070-0974(T)	2-1-2010	Suspend	3-1-2010	413-100-0250	6-15-2010	Amend	7-1-2010
413-070-0979	6-15-2010	Adopt	7-1-2010	413-100-0270	6-15-2010	Amend	7-1-2010
413-080-0000	12-29-2009	Repeal	2-1-2010	413-100-0320	6-15-2010	Amend	7-1-2010
413-080-0010	12-29-2009	Repeal	2-1-2010	413-100-0335	12-16-2009	Adopt(T)	2-1-2010
413-080-0020	12-29-2009	Repeal	2-1-2010	413-100-0335	6-15-2010	Adopt	7-1-2010
413-080-0030	12-29-2009	Repeal	2-1-2010	413-100-0345	12-16-2009	Adopt(T)	2-1-2010
413-080-0040	12-29-2009	Amend	2-1-2010	413-100-0345	6-15-2010	Adopt	7-1-2010
413-080-0050	12-29-2009	Amend	2-1-2010	413-110-0100	7-1-2010	Amend(T)	8-1-2010
413-080-0052	12-29-2009	Amend	2-1-2010	413-110-0110	7-1-2010	Amend(T)	8-1-2010
413-080-0055	12-29-2009	Amend	2-1-2010	413-110-0120	7-1-2010	Suspend	8-1-2010
413-080-0059	12-29-2009	Amend	2-1-2010	413-110-0130	7-1-2010	Amend(T)	8-1-2010
413-080-0063	12-29-2009	Amend	2-1-2010	413-110-0132	7-1-2010	Adopt(T)	8-1-2010
413-080-0067	12-29-2009	Amend	2-1-2010	413-110-0140	7-1-2010	Amend(T)	8-1-2010
413-090-0000	12-29-2009	Amend	2-1-2010	413-110-0150	7-1-2010	Adopt(T)	8-1-2010
413-090-0005	12-29-2009	Amend	2-1-2010	413-120-0000	7-1-2010	Amend(T)	8-1-2010
413-090-0010	12-29-2009	Amend	2-1-2010	413-120-0010	7-1-2010	Amend(T)	8-1-2010
413-090-0021	12-29-2009	Adopt	2-1-2010	413-120-0015	7-1-2010	Suspend	8-1-2010
413-090-0030	12-29-2009	Amend	2-1-2010	413-120-0020	7-1-2010	Amend(T)	8-1-2010
413-090-0040	12-29-2009	Amend	2-1-2010	413-120-0030	7-1-2010	Suspend	8-1-2010
413-090-0050	12-29-2009	Amend	2-1-2010	413-120-0033	7-1-2010	Amend(T)	8-1-2010
413-090-0100	12-29-2009	Amend	2-1-2010	413-120-0035	7-1-2010	Amend(T)	8-1-2010
413-090-0110	12-29-2009	Amend	2-1-2010	413-120-0040	7-1-2010	Amend(T)	8-1-2010
413-090-0120	12-29-2009	Amend	2-1-2010	413-120-0045	7-1-2010	Am. & Ren.(T)	8-1-2010
413-090-0130	12-29-2009	Amend	2-1-2010	413-120-0050	7-1-2010	Adopt(T)	8-1-2010
413-090-0133	12-29-2009	Adopt	2-1-2010	413-120-0053	7-1-2010	Adopt(T)	8-1-2010
413-090-0135	12-29-2009	Adopt	2-1-2010	413-120-0057	7-1-2010	Adopt(T)	8-1-2010
413-090-0136	12-29-2009	Adopt	2-1-2010	413-120-0060	7-1-2010	Amend(T)	8-1-2010
413-090-0140	12-29-2009	Amend	2-1-2010	413-120-0075	7-1-2010	Am. & Ren.(T)	8-1-2010
413-090-0150	12-29-2009	Amend	2-1-2010	413-120-0080	7-1-2010	Suspend	8-1-2010
413-090-0160	12-29-2009	Repeal	2-1-2010	413-120-0190	7-1-2010	Amend(T)	8-1-2010
413-090-0170	12-29-2009	Repeal	2-1-2010	413-120-0195	7-1-2010	Amend(T)	8-1-2010
413-090-0180	12-29-2009	Repeal	2-1-2010	413-120-0200	7-1-2010	Suspend	8-1-2010
413-090-0190	12-29-2009	Repeal	2-1-2010	413-120-0210	7-1-2010	Suspend	8-1-2010
413-090-0200	12-29-2009	Repeal	2-1-2010	413-120-0220	7-1-2010	Amend(T)	8-1-2010
413-090-0210	12-29-2009	Amend	2-1-2010	413-120-0225	7-1-2010	Adopt(T)	8-1-2010
413-100-0000	6-15-2010	Amend	7-1-2010	413-120-0230	7-1-2010	Suspend	8-1-2010

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413-120-0243	7-1-2010	Adopt(T)	8-1-2010	413-130-0020	12-29-2009	Amend	2-1-2010
413-120-0246	7-1-2010	Adopt(T)	8-1-2010	413-130-0030	12-29-2009	Amend	2-1-2010
413-120-0250	7-1-2010	Suspend	8-1-2010	413-130-0040	12-29-2009	Amend	2-1-2010
413-120-0255	7-1-2010	Suspend	8-1-2010	413-130-0045	12-29-2009	Adopt	2-1-2010
413-120-0260	7-1-2010	Suspend	8-1-2010	413-130-0050	12-29-2009	Amend	2-1-2010
413-120-0265	7-1-2010	Suspend	8-1-2010	413-130-0060	12-29-2009	Amend	2-1-2010
413-120-0270	7-1-2010	Suspend	8-1-2010	413-130-0070	12-29-2009	Amend	2-1-2010
413-120-0275	7-1-2010	Suspend	8-1-2010	413-130-0075	12-29-2009	Amend	2-1-2010
413-120-0280	7-1-2010	Suspend	8-1-2010	413-130-0080	12-29-2009	Amend	2-1-2010
413-120-0285	7-1-2010	Suspend	8-1-2010	413-130-0090	12-29-2009	Amend	2-1-2010
413-120-0290	7-1-2010	Suspend	8-1-2010	413-130-0100	12-29-2009	Amend	2-1-2010
413-120-0300	7-1-2010	Suspend	8-1-2010	413-130-0110	12-29-2009	Amend	2-1-2010
413-120-0310	7-1-2010	Suspend	8-1-2010	413-130-0115	12-29-2009	Amend	2-1-2010
413-120-0500	7-1-2010	Amend(T)	8-1-2010	413-130-0120	12-29-2009	Repeal	2-1-2010
413-120-0510	7-1-2010	Amend(T)	8-1-2010	413-130-0125	12-29-2009	Amend	2-1-2010
413-120-0520	7-1-2010	Suspend	8-1-2010	413-130-0127	12-29-2009	Repeal	2-1-2010
413-120-0521	7-1-2010	Adopt(T)	8-1-2010	413-130-0130	12-29-2009	Amend	2-1-2010
413-120-0530	7-1-2010	Suspend	8-1-2010	413-130-0150	7-1-2010	Suspend	8-1-2010
413-120-0540	7-1-2010	Suspend	8-1-2010	413-130-0160	7-1-2010	Suspend	8-1-2010
413-120-0541	7-1-2010	Adopt(T)	8-1-2010	413-130-0170	7-1-2010	Suspend	8-1-2010
413-120-0550	7-1-2010	Am. & Ren.(T)	8-1-2010	413-130-0180	7-1-2010	Suspend	8-1-2010
413-120-0551	7-1-2010	Adopt(T)	8-1-2010	413-200-0210	7-1-2010	Repeal	8-1-2010
413-120-0560	7-1-2010	Adopt(T)	8-1-2010	413-200-0220	7-1-2010	Repeal	8-1-2010
413-120-0570	7-1-2010	Adopt(T)	8-1-2010	414-061-0000	1-1-2010	Amend(T)	2-1-2010
413-120-0590	7-1-2010	Adopt(T)	8-1-2010	414-061-0000	7-1-2010	Amend	8-1-2010
413-120-0595	7-1-2010	Adopt(T)	8-1-2010	414-061-0010	1-1-2010	Amend(T)	2-1-2010
413-120-0700	7-1-2010	Adopt(T)	8-1-2010	414-061-0010	7-1-2010	Amend	8-1-2010
413-120-0710	7-1-2010	Adopt(T)	8-1-2010	414-061-0020	1-1-2010	Amend(T)	2-1-2010
413-120-0720	7-1-2010	Adopt(T)	8-1-2010	414-061-0020	7-1-2010	Amend	8-1-2010
413-120-0730	7-1-2010	Adopt(T)	8-1-2010	414-061-0030	1-1-2010	Amend(T)	2-1-2010
413-120-0740	7-1-2010	Adopt(T)	8-1-2010	414-061-0030	7-1-2010	Amend	8-1-2010
413-120-0745	7-1-2010	Adopt(T)	8-1-2010	414-061-0040	1-1-2010	Amend(T)	2-1-2010
413-120-0750	7-1-2010	Adopt(T)	8-1-2010	414-061-0040	7-1-2010	Amend	8-1-2010
413-120-0760	7-1-2010	Adopt(T)	8-1-2010	414-061-0050	1-1-2010	Amend(T)	2-1-2010
413-120-0800	7-1-2010	Amend(T)	8-1-2010	414-061-0050	7-1-2010	Amend	8-1-2010
413-120-0810	7-1-2010	Amend(T)	8-1-2010	414-061-0060	1-1-2010	Amend(T)	2-1-2010
413-120-0820	7-1-2010	Suspend	8-1-2010	414-061-0060	7-1-2010	Amend	8-1-2010
413-120-0830	7-1-2010	Amend(T)	8-1-2010	414-061-0065	7-1-2010	Adopt	8-1-2010
413-120-0840	7-1-2010	Adopt(T)	8-1-2010	414-061-0070	1-1-2010	Amend(T)	2-1-2010
413-120-0850	7-1-2010	Adopt(T)	8-1-2010	414-061-0070	7-1-2010	Amend	8-1-2010
413-120-0860	7-1-2010	Adopt(T)	8-1-2010	414-061-0080	1-1-2010	Amend(T)	2-1-2010
413-120-0870	7-1-2010	Adopt(T)	8-1-2010	414-061-0080	7-1-2010	Amend	8-1-2010
413-120-0900	6-30-2010	Adopt(T)	8-1-2010	414-061-0090	1-1-2010	Amend(T)	2-1-2010
413-120-0905	6-30-2010	Adopt(T)	8-1-2010	414-061-0090	7-1-2010	Amend	8-1-2010
413-120-0910	6-30-2010	Adopt(T)	8-1-2010	414-061-0100	1-1-2010	Amend(T)	2-1-2010
413-120-0920	6-30-2010	Adopt(T)	8-1-2010	414-061-0100	7-1-2010	Amend	8-1-2010
413-120-0925	6-30-2010	Adopt(T)	8-1-2010	414-061-0110	1-1-2010	Amend(T)	2-1-2010
413-120-0930	6-30-2010	Adopt(T)	8-1-2010	414-061-0110	7-1-2010	Amend	8-1-2010
413-120-0940	6-30-2010	Adopt(T)	8-1-2010	414-061-0120	1-1-2010	Amend(T)	2-1-2010
413-120-0945	6-30-2010	Adopt(T)	8-1-2010	414-061-0120	7-1-2010	Amend	8-1-2010
413-120-0950	6-30-2010	Adopt(T)	8-1-2010	414-205-0000	1-1-2010	Amend(T)	2-1-2010
413-120-0960	6-30-2010	Adopt(T)	8-1-2010	414-205-0000	7-1-2010	Amend	8-1-2010
413-120-0970	6-30-2010	Adopt(T)	8-1-2010	414-205-0010	1-1-2010	Amend(T)	2-1-2010
413-120-0980	6-30-2010	Adopt(T)	8-1-2010	414-205-0010	7-1-2010	Amend	8-1-2010
413-130-0000	12-29-2009	Amend	2-1-2010	414-205-0020	1-1-2010	Amend(T)	2-1-2010

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414-205-0035	1-1-2010	Amend(T)	2-1-2010	414-300-0215	1-1-2010	Amend(T)	2-1-2010
414-205-0040	1-1-2010	Amend(T)	2-1-2010	414-300-0220	1-1-2010	Amend(T)	2-1-2010
414-205-0040	7-1-2010	Amend	8-1-2010	414-300-0230	1-1-2010	Amend(T)	2-1-2010
414-205-0055	1-1-2010	Amend(T)	2-1-2010	414-300-0240	1-1-2010	Amend(T)	2-1-2010
414-205-0065	1-1-2010	Amend(T)	2-1-2010	414-300-0250	1-1-2010	Amend(T)	2-1-2010
414-205-0065	7-1-2010	Amend	8-1-2010	414-300-0260	1-1-2010	Amend(T)	2-1-2010
414-205-0075	1-1-2010	Amend(T)	2-1-2010	414-300-0270	1-1-2010	Amend(T)	2-1-2010
414-205-0075	7-1-2010	Amend	8-1-2010	414-300-0280	1-1-2010	Amend(T)	2-1-2010
414-205-0085	1-1-2010	Amend(T)	2-1-2010	414-300-0290	1-1-2010	Amend(T)	2-1-2010
414-205-0090	1-1-2010	Amend(T)	2-1-2010	414-300-0295	1-1-2010	Amend(T)	2-1-2010
414-205-0100	1-1-2010	Amend(T)	2-1-2010	414-300-0300	1-1-2010	Amend(T)	2-1-2010
414-205-0110	1-1-2010	Amend(T)	2-1-2010	414-300-0310	1-1-2010	Amend(T)	2-1-2010
414-205-0120	1-1-2010	Amend(T)	2-1-2010	414-300-0320	1-1-2010	Amend(T)	2-1-2010
414-205-0130	1-1-2010	Amend(T)	2-1-2010	414-300-0330	1-1-2010	Amend(T)	2-1-2010
414-205-0140	1-1-2010	Amend(T)	2-1-2010	414-300-0340	1-1-2010	Amend(T)	2-1-2010
414-205-0150	1-1-2010	Amend(T)	2-1-2010	414-300-0350	1-1-2010	Amend(T)	2-1-2010
414-205-0160	1-1-2010	Amend(T)	2-1-2010	414-300-0360	1-1-2010	Amend(T)	2-1-2010
414-205-0170	1-1-2010	Amend(T)	2-1-2010	414-300-0360	7-1-2010	Amend	8-1-2010
414-205-0170	7-1-2010	Amend	8-1-2010	414-300-0380	1-1-2010	Amend(T)	2-1-2010
414-300-0000	1-1-2010	Amend(T)	2-1-2010	414-300-0390	1-1-2010	Amend(T)	2-1-2010
414-300-0000	7-1-2010	Amend	8-1-2010	414-300-0390	7-1-2010	Amend	8-1-2010
414-300-0005	1-1-2010	Amend(T)	2-1-2010	414-300-0400	1-1-2010	Amend(T)	2-1-2010
414-300-0005	7-1-2010	Amend	8-1-2010	414-300-0410	1-1-2010	Amend(T)	2-1-2010
414-300-0010	1-1-2010	Amend(T)	2-1-2010	414-300-0410	7-1-2010	Amend	8-1-2010
414-300-0010	7-1-2010	Amend	8-1-2010	414-300-0415	1-1-2010	Adopt(T)	2-1-2010
414-300-0015	1-1-2010	Amend(T)	2-1-2010	414-300-0415	7-1-2010	Adopt	8-1-2010
414-300-0015	7-1-2010	Amend	8-1-2010	414-350-0000	1-1-2010	Amend(T)	2-1-2010
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414-300-0020	7-1-2010	Amend	8-1-2010	414-350-0010	1-1-2010	Amend(T)	2-1-2010
414-300-0030	1-1-2010	Amend(T)	2-1-2010	414-350-0010	7-1-2010	Amend	8-1-2010
414-300-0030	7-1-2010	Amend	8-1-2010	414-350-0020	1-1-2010	Amend(T)	2-1-2010
414-300-0040	1-1-2010	Amend(T)	2-1-2010	414-350-0020	7-1-2010	Amend	8-1-2010
414-300-0040	7-1-2010	Amend	8-1-2010	414-350-0030	1-1-2010	Amend(T)	2-1-2010
414-300-0050	1-1-2010	Amend(T)	2-1-2010	414-350-0030	7-1-2010	Amend	8-1-2010
414-300-0060	1-1-2010	Amend(T)	2-1-2010	414-350-0040	1-1-2010	Amend(T)	2-1-2010
414-300-0060	7-1-2010	Amend	8-1-2010	414-350-0040	7-1-2010	Amend	8-1-2010
414-300-0070	1-1-2010	Amend(T)	2-1-2010	414-350-0050	1-1-2010	Amend(T)	2-1-2010
414-300-0070	7-1-2010	Amend	8-1-2010	414-350-0050	7-1-2010	Amend	8-1-2010
414-300-0080	1-1-2010	Amend(T)	2-1-2010	414-350-0060	1-1-2010	Amend(T)	2-1-2010
414-300-0080	7-1-2010	Amend	8-1-2010	414-350-0070	1-1-2010	Amend(T)	2-1-2010
414-300-0090	1-1-2010	Amend(T)	2-1-2010	414-350-0080	1-1-2010	Amend(T)	2-1-2010
414-300-0100	1-1-2010	Amend(T)	2-1-2010	414-350-0080	7-1-2010	Amend	8-1-2010
414-300-0110	1-1-2010	Amend(T)	2-1-2010	414-350-0090	1-1-2010	Amend(T)	2-1-2010
414-300-0115	1-1-2010	Amend(T)	2-1-2010	414-350-0090	7-1-2010	Amend	8-1-2010
414-300-0120	1-1-2010	Amend(T)	2-1-2010	414-350-0100	1-1-2010	Amend(T)	2-1-2010
414-300-0120	7-1-2010	Amend	8-1-2010	414-350-0100	7-1-2010	Amend	8-1-2010
414-300-0130	1-1-2010	Amend(T)	2-1-2010	414-350-0110	1-1-2010	Amend(T)	2-1-2010
414-300-0130	7-1-2010	Amend	8-1-2010	414-350-0110	7-1-2010	Amend	8-1-2010
414-300-0140	1-1-2010	Amend(T)	2-1-2010	414-350-0115	1-1-2010	Amend(T)	2-1-2010
414-300-0150	1-1-2010	Amend(T)	2-1-2010	414-350-0120	1-1-2010	Amend(T)	2-1-2010
414-300-0160	1-1-2010	Amend(T)	2-1-2010	414-350-0130	1-1-2010	Amend(T)	2-1-2010
414-300-0170	1-1-2010	Amend(T)	2-1-2010	414-350-0140	1-1-2010	Amend(T)	2-1-2010
414-300-0180	1-1-2010	Amend(T)	2-1-2010	414-350-0150	1-1-2010	Amend(T)	2-1-2010
414-300-0190	1-1-2010	Amend(T)	2-1-2010	414-350-0160	1-1-2010	Amend(T)	2-1-2010
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414-350-0190	1-1-2010	Amend(T)	2-1-2010	415-051-0165	3-4-2010	Repeal	4-1-2010
414-350-0200	1-1-2010	Amend(T)	2-1-2010	415-052-0100	12-3-2009	Adopt	1-1-2010
414-350-0210	1-1-2010	Amend(T)	2-1-2010	415-052-0105	12-3-2009	Adopt	1-1-2010
414-350-0220	1-1-2010	Amend(T)	2-1-2010	415-052-0110	12-3-2009	Adopt	1-1-2010
414-350-0230	1-1-2010	Amend(T)	2-1-2010	415-057-0000	5-6-2010	Adopt	6-1-2010
414-350-0235	1-1-2010	Amend(T)	2-1-2010	415-057-0010	5-6-2010	Adopt	6-1-2010
414-350-0240	1-1-2010	Amend(T)	2-1-2010	415-057-0020	5-6-2010	Adopt	6-1-2010
414-350-0250	1-1-2010	Amend(T)	2-1-2010	415-057-0030	5-6-2010	Adopt	6-1-2010
414-350-0375	1-1-2010	Amend(T)	2-1-2010	415-057-0040	5-6-2010	Adopt	6-1-2010
414-350-0380	1-1-2010	Amend(T)	2-1-2010	415-057-0050	5-6-2010	Adopt	6-1-2010
414-350-0390	1-1-2010	Amend(T)	2-1-2010	415-057-0060	5-6-2010	Adopt	6-1-2010
414-350-0400	1-1-2010	Amend(T)	2-1-2010	415-057-0070	5-6-2010	Adopt	6-1-2010
414-350-0400	7-1-2010	Amend	8-1-2010	415-057-0080	5-6-2010	Adopt	6-1-2010
414-350-0405	1-1-2010	Adopt(T)	2-1-2010	415-057-0090	5-6-2010	Adopt	6-1-2010
414-350-0405	7-1-2010	Adopt	8-1-2010	415-057-0100	5-6-2010	Adopt	6-1-2010
414-425-0000	7-1-2010	Adopt	8-1-2010	415-057-0110	5-6-2010	Adopt	6-1-2010
414-425-0010	7-1-2010	Adopt	8-1-2010	415-057-0120	5-6-2010	Adopt	6-1-2010
414-425-0020	7-1-2010	Adopt	8-1-2010	415-057-0130	5-6-2010	Adopt	6-1-2010
414-425-0025	7-1-2010	Adopt	8-1-2010	415-057-0140	5-6-2010	Adopt	6-1-2010
414-425-0030	7-1-2010	Adopt	8-1-2010	415-057-0150	5-6-2010	Adopt	6-1-2010
414-425-0040	7-1-2010	Adopt	8-1-2010	415-060-0030	1-1-2010	Amend	1-1-2010
414-450-0000	7-1-2010	Adopt	8-1-2010	415-065-0005	7-1-2010	Adopt	8-1-2010
414-450-0010	7-1-2010	Adopt	8-1-2010	415-065-0010	7-1-2010	Adopt	8-1-2010
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414-450-0040	7-1-2010	Adopt	8-1-2010	415-065-0030	7-1-2010	Adopt	8-1-2010
415-051-0000	3-4-2010	Repeal	4-1-2010	415-065-0035	7-1-2010	Adopt	8-1-2010
415-051-0005	5-6-2010	Repeal	6-1-2010	415-065-0040	7-1-2010	Adopt	8-1-2010
415-051-0010	3-4-2010	Repeal	4-1-2010	415-065-0045	7-1-2010	Adopt	8-1-2010
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415-051-0020	3-4-2010	Repeal	4-1-2010	415-065-0055	7-1-2010	Adopt	8-1-2010
415-051-0025	3-4-2010	Repeal	4-1-2010	415-065-0060	7-1-2010	Adopt	8-1-2010
415-051-0030	3-4-2010	Repeal	4-1-2010	415-065-0065	7-1-2010	Adopt	8-1-2010
415-051-0035	3-4-2010	Repeal	4-1-2010	415-065-0070	7-1-2010	Adopt	8-1-2010
415-051-0037	3-4-2010	Repeal	4-1-2010	416-470-0000	2-19-2010	Amend	3-1-2010
415-051-0040	3-4-2010	Repeal	4-1-2010	416-470-0010	2-19-2010	Amend	3-1-2010
415-051-0045	3-4-2010	Repeal	4-1-2010	416-470-0020	2-19-2010	Amend	3-1-2010
415-051-0050	3-4-2010	Repeal	4-1-2010	416-470-0030	2-19-2010	Amend	3-1-2010
415-051-0055	3-4-2010	Repeal	4-1-2010	416-470-0040	2-19-2010	Amend	3-1-2010
415-051-0057	3-4-2010	Repeal	4-1-2010	416-470-0050	2-19-2010	Amend	3-1-2010
415-051-0060	3-4-2010	Repeal	4-1-2010	416-470-0060	2-19-2010	Repeal	3-1-2010
415-051-0065	3-4-2010	Repeal	4-1-2010	416-470-0070	2-19-2010	Repeal	3-1-2010
415-051-0067	3-4-2010	Repeal	4-1-2010	416-470-0080	2-19-2010	Repeal	3-1-2010
415-051-0069	3-4-2010	Repeal	4-1-2010	416-470-0090	2-19-2010	Repeal	3-1-2010
415-051-0072	3-4-2010	Repeal	4-1-2010	416-470-0100	2-19-2010	Repeal	3-1-2010
415-051-0075	3-4-2010	Repeal	4-1-2010	416-490-0000	2-19-2010	Amend	3-1-2010
415-051-0077	3-4-2010	Repeal	4-1-2010	416-490-0010	2-19-2010	Amend	3-1-2010
415-051-0080	5-6-2010	Repeal	6-1-2010	416-490-0020	2-19-2010	Amend	3-1-2010
415-051-0090	3-4-2010	Repeal	4-1-2010	416-490-0030	2-19-2010	Amend	3-1-2010
415-051-0100	3-4-2010	Repeal	4-1-2010	416-490-0031	2-19-2010	Adopt	3-1-2010
415-051-0105	3-4-2010	Repeal	4-1-2010	416-490-0032	2-19-2010	Adopt	3-1-2010
415-051-0110	3-4-2010	Repeal	4-1-2010	416-490-0033	2-19-2010	Adopt	3-1-2010
415-051-0130	3-4-2010	Repeal	4-1-2010	416-490-0034	2-19-2010	Adopt	3-1-2010
415-051-0140	3-4-2010	Repeal	4-1-2010	416-490-0035	2-19-2010	Adopt	3-1-2010

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416-530-0090	12-16-2009	Amend	1-1-2010	436-010-0008	1-1-2010	Amend	1-1-2010
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416-800-0010	6-25-2010	Amend	7-1-2010	436-010-0240	1-1-2010	Amend	1-1-2010
416-800-0020	6-25-2010	Amend	7-1-2010	436-010-0265	1-1-2010	Amend	1-1-2010
416-800-0031	6-25-2010	Adopt	7-1-2010	436-010-0280	1-1-2010	Amend	1-1-2010
416-800-0041	6-25-2010	Adopt	7-1-2010	436-010-0330	7-1-2010	Amend	7-1-2010
416-800-0045	6-25-2010	Adopt	7-1-2010	436-015-0090	7-1-2010	Amend	7-1-2010
416-800-0050	6-25-2010	Adopt	7-1-2010	436-030-0002	1-1-2010	Amend	1-1-2010
416-800-0055	6-25-2010	Adopt	7-1-2010	436-030-0003	1-1-2010	Amend	1-1-2010
416-800-0060	6-25-2010	Repeal	7-1-2010	436-030-0005	1-1-2010	Amend	1-1-2010
416-800-0065	6-25-2010	Adopt	7-1-2010	436-030-0007	1-1-2010	Amend	1-1-2010
416-800-0070	6-25-2010	Amend	7-1-2010	436-030-0009	1-1-2010	Repeal	1-1-2010
416-800-0080	6-25-2010	Adopt	7-1-2010	436-030-0015	1-1-2010	Amend	1-1-2010
416-800-0090	6-25-2010	Adopt	7-1-2010	436-030-0017	1-1-2010	Amend	1-1-2010
416-800-0095	6-25-2010	Adopt	7-1-2010	436-030-0020	1-1-2010	Amend	1-1-2010
436-001-0003	1-1-2010	Amend	1-1-2010	436-030-0034	1-1-2010	Amend	1-1-2010
436-001-0019	1-1-2010	Amend	1-1-2010	436-030-0065	1-1-2010	Amend	1-1-2010
436-001-0265	1-1-2010	Am. & Ren.	1-1-2010	436-030-0115	1-1-2010	Amend	1-1-2010
436-001-0265	1-1-2010	Am. & Ren.	1-1-2010	436-030-0135	1-1-2010	Amend	1-1-2010
436-001-0420	1-1-2010	Adopt	1-1-2010	436-030-0145	1-1-2010	Amend	1-1-2010
436-001-0430	1-1-2010	Adopt	1-1-2010	436-030-0155	1-1-2010	Amend	1-1-2010
436-001-0440	1-1-2010	Adopt	1-1-2010	436-030-0165	1-1-2010	Amend	1-1-2010
436-009-0002	7-1-2010	Amend	7-1-2010	436-030-0185	1-1-2010	Amend	1-1-2010
436-009-0003	7-1-2010	Amend	7-1-2010	436-030-0580	1-1-2010	Amend	1-1-2010
436-009-0004	7-1-2010	Amend	7-1-2010	436-035-0002	6-1-2010	Amend	6-1-2010
436-009-0005	7-1-2010	Amend	7-1-2010	436-035-0003	6-1-2010	Amend	6-1-2010
436-009-0008	7-1-2010	Amend	7-1-2010	436-035-0005	6-1-2010	Amend	6-1-2010
436-009-0010	1-1-2010	Amend	1-1-2010	436-035-0007	6-1-2010	Amend	6-1-2010
436-009-0010	7-1-2010	Amend	7-1-2010	436-035-0011	6-1-2010	Amend	6-1-2010
436-009-0015	7-1-2010	Amend	7-1-2010	436-035-0012	6-1-2010	Amend	6-1-2010
436-009-0020	7-1-2010	Amend	7-1-2010	436-035-0013	6-1-2010	Amend	6-1-2010
436-009-0022	7-1-2010	Amend	7-1-2010	436-035-0014	6-1-2010	Amend	6-1-2010
436-009-0025	7-1-2010	Amend	7-1-2010	436-035-0015	6-1-2010	Amend	6-1-2010
436-009-0030	7-1-2010	Amend	7-1-2010	436-035-0019	6-1-2010	Amend	6-1-2010
436-009-0040	7-1-2010	Amend	7-1-2010	436-035-0050	6-1-2010	Amend	6-1-2010
436-009-0050	7-1-2010	Amend	7-1-2010	436-035-0060	6-1-2010	Amend	6-1-2010
436-009-0060	7-1-2010	Amend	7-1-2010	436-035-0110	6-1-2010	Amend	6-1-2010
436-009-0070	1-1-2010	Amend	1-1-2010	436-035-0190	6-1-2010	Amend	6-1-2010
436-009-0070	7-1-2010	Amend	7-1-2010	436-035-0230	6-1-2010	Amend	6-1-2010
436-009-0100	7-1-2010	Am. & Ren.	7-1-2010	436-035-0340	6-1-2010	Amend	6-1-2010
436-009-0110	7-1-2010	Adopt	7-1-2010	436-035-0370	6-1-2010	Amend	6-1-2010
436-009-0115	7-1-2010	Adopt	7-1-2010	436-035-0375	6-1-2010	Amend	6-1-2010
436-009-0120	7-1-2010	Adopt	7-1-2010	436-035-0390	6-1-2010	Amend	6-1-2010
436-009-0125	7-1-2010	Adopt	7-1-2010	436-035-0400	6-1-2010	Amend	6-1-2010
436-009-0130	7-1-2010	Adopt	7-1-2010	436-035-0410	6-1-2010	Amend	6-1-2010
436-009-0135	7-1-2010	Adopt	7-1-2010	436-035-0420	6-1-2010	Amend	6-1-2010
436-009-0140	7-1-2010	Adopt	7-1-2010	436-035-0450	6-1-2010	Amend	6-1-2010
436-009-0145	7-1-2010	Adopt	7-1-2010	436-060-0003	1-1-2010	Amend	1-1-2010
436-009-0150	7-1-2010	Adopt	7-1-2010	436-060-0008	1-1-2010	Amend	1-1-2010
436-009-0155	7-1-2010	Adopt	7-1-2010	436-060-0009	1-1-2010	Amend	1-1-2010
436-009-0160	7-1-2010	Adopt	7-1-2010	436-060-0010	1-1-2010	Amend	1-1-2010
436-009-0165	7-1-2010	Adopt	7-1-2010	436-060-0012	1-1-2010	Adopt	1-1-2010
436-009-0170	7-1-2010	Adopt	7-1-2010	436-060-0015	1-1-2010	Amend	1-1-2010
436-009-0175	7-1-2010	Adopt	7-1-2010	436-060-0017	1-1-2010	Amend	1-1-2010

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436-060-0020	1-1-2010	Amend	1-1-2010	436-120-0500	1-1-2010	Amend	1-1-2010
436-060-0025	1-1-2010	Amend	1-1-2010	436-120-0510	1-1-2010	Amend	1-1-2010
436-060-0035	1-1-2010	Amend	1-1-2010	436-120-0720	1-1-2010	Amend	1-1-2010
436-060-0095	1-1-2010	Amend	1-1-2010	436-120-0800	1-1-2010	Amend	1-1-2010
436-060-0105	1-1-2010	Amend	1-1-2010	436-120-0810	1-1-2010	Amend	1-1-2010
436-060-0135	1-1-2010	Amend	1-1-2010	436-120-0820	1-1-2010	Amend	1-1-2010
436-060-0137	1-1-2010	Amend	1-1-2010	436-120-0830	1-1-2010	Amend	1-1-2010
436-060-0140	1-1-2010	Amend	1-1-2010	436-120-0840	1-1-2010	Amend	1-1-2010
436-060-0147	1-1-2010	Amend	1-1-2010	436-120-0900	1-1-2010	Amend	1-1-2010
436-060-0150	1-1-2010	Amend	1-1-2010	436-120-0915	1-1-2010	Amend	1-1-2010
436-060-0153	1-1-2010	Amend	1-1-2010	436-150-0005	1-1-2010	Amend	1-1-2010
436-060-0155	1-1-2010	Amend	1-1-2010	436-150-0010	1-1-2010	Amend	1-1-2010
436-060-0180	1-1-2010	Amend	1-1-2010	436-150-0030	1-1-2010	Amend	1-1-2010
436-060-0195	1-1-2010	Amend	1-1-2010	436-160-0310	1-1-2010	Amend	1-1-2010
436-060-0200	1-1-2010	Amend	1-1-2010	436-160-0340	1-1-2010	Amend	1-1-2010
436-060-0400	1-1-2010	Adopt	1-1-2010	437-002-0005	2-19-2010	Amend	4-1-2010
436-060-0500	1-1-2010	Amend	1-1-2010	437-002-0005	2-25-2010	Amend	4-1-2010
436-060-0510	1-1-2010	Amend	1-1-2010	437-002-0080	2-25-2010	Amend	4-1-2010
436-075-0110	1-1-2010	Repeal	1-1-2010	437-002-0100	2-19-2010	Amend	4-1-2010
436-105-0003	1-1-2010	Amend	1-1-2010	437-002-0120	2-25-2010	Amend	4-1-2010
436-105-0005	1-1-2010	Amend	1-1-2010	437-002-0280	2-25-2010	Amend	4-1-2010
436-105-0500	1-1-2010	Amend	1-1-2010	437-002-0360	6-15-2010	Amend	7-1-2010
436-105-0520	1-1-2010	Amend	1-1-2010	437-002-2102	2-19-2010	Adopt	4-1-2010
436-105-0540	1-1-2010	Amend	1-1-2010	437-003-0001	6-15-2010	Amend	7-1-2010
436-105-0550	1-1-2010	Amend	1-1-2010	437-004-0002	1-1-2011	Amend	8-1-2010
436-110-0005	1-1-2010	Amend	1-1-2010	437-004-0003	1-1-2011	Amend	8-1-2010
436-110-0240	4-15-2010	Amend(T)	5-1-2010	437-004-0004	1-1-2011	Repeal	8-1-2010
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436-110-0310	1-1-2010	Amend	1-1-2010	437-004-0240	1-1-2011	Amend	8-1-2010
436-110-0325	1-1-2010	Amend	1-1-2010	437-004-0250	1-1-2011	Repeal	8-1-2010
436-110-0330	1-1-2010	Amend	1-1-2010	437-004-0251	1-1-2011	Adopt	8-1-2010
436-110-0335	1-1-2010	Amend	1-1-2010	437-004-1035	2-25-2010	Amend	4-1-2010
436-110-0336	1-1-2010	Amend	1-1-2010	437-004-1050	2-25-2010	Amend	4-1-2010
436-110-0336	4-15-2010	Amend(T)	5-1-2010	437-004-1060	2-25-2010	Amend	4-1-2010
436-110-0337	1-1-2010	Amend	1-1-2010	437-004-1305	1-1-2011	Amend	8-1-2010
436-110-0345	1-1-2010	Amend	1-1-2010	437-004-2310	2-25-2010	Amend	4-1-2010
436-110-0347	1-1-2010	Amend	1-1-2010	437-005-0001	2-25-2010	Amend	4-1-2010
436-110-0350	1-1-2010	Amend	1-1-2010	437-005-0001	6-15-2010	Amend	7-1-2010
436-110-0351	4-15-2010	Amend(T)	5-1-2010	437-005-0002	2-25-2010	Amend	4-1-2010
436-110-0900	1-1-2010	Amend	1-1-2010	437-005-0003	2-25-2010	Amend	4-1-2010
436-120-0004	1-1-2010	Amend	1-1-2010	437-007-0305	2-25-2010	Amend	4-1-2010
436-120-0005	1-1-2010	Amend	1-1-2010	440-005-0015	5-1-2010	Amend	5-1-2010
436-120-0007	1-1-2010	Amend	1-1-2010	440-005-0020	5-1-2010	Amend	5-1-2010
436-120-0008	1-1-2010	Amend	1-1-2010	440-005-0025	5-1-2010	Amend	5-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	440-005-0030	5-1-2010	Amend	5-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	440-015-0001	2-1-2010	Repeal	3-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	440-015-0010	2-1-2010	Repeal	3-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	440-015-0020	2-1-2010	Repeal	3-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	440-015-0030	2-1-2010	Repeal	3-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	440-015-0040	2-1-2010	Repeal	3-1-2010
436-120-0320	1-1-2010	Am. & Ren.	1-1-2010	440-015-0050	2-1-2010	Repeal	3-1-2010
436-120-0340	1-1-2010	Amend	1-1-2010	440-015-0060	2-1-2010	Repeal	3-1-2010
436-120-0350	1-1-2010	Am. & Ren.	1-1-2010	440-015-0070	2-1-2010	Repeal	3-1-2010
436-120-0350	1-1-2010	Am. & Ren.	1-1-2010	440-015-0080	2-1-2010	Repeal	3-1-2010
436-120-0360	1-1-2010	Am. & Ren.	1-1-2010	440-015-0090	2-1-2010	Repeal	3-1-2010
436-120-0410	1-1-2010	Amend	1-1-2010				

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440-015-0105	2-1-2010	Adopt	3-1-2010	441-735-0025	6-4-2010	Adopt	7-1-2010
440-015-0110	2-1-2010	Adopt	3-1-2010	441-735-0030	6-4-2010	Adopt	7-1-2010
440-015-0115	2-1-2010	Adopt	3-1-2010	441-735-0050	6-4-2010	Adopt	7-1-2010
441-002-0005	5-1-2010	Repeal	6-1-2010	441-735-0060	6-4-2010	Adopt	7-1-2010
441-002-0010	5-1-2010	Repeal	6-1-2010	441-735-0070	6-4-2010	Adopt	7-1-2010
441-002-0020	5-1-2010	Repeal	6-1-2010	441-735-0080	6-4-2010	Adopt	7-1-2010
441-002-0030	5-1-2010	Repeal	6-1-2010	441-735-0100	6-4-2010	Adopt	7-1-2010
441-002-0040	5-1-2010	Repeal	6-1-2010	441-735-0110	6-4-2010	Adopt	7-1-2010
441-035-0010	8-3-2010	Amend(T)	9-1-2010	441-735-0120	6-4-2010	Adopt	7-1-2010
441-049-1001	7-1-2010	Amend	8-1-2010	441-735-0130	6-4-2010	Adopt	7-1-2010
441-175-0002	7-1-2010	Amend	8-1-2010	441-735-0140	6-4-2010	Adopt	7-1-2010
441-175-0100	7-1-2010	Amend	8-1-2010	441-735-0160	6-4-2010	Adopt	7-1-2010
441-175-0165	7-1-2010	Amend	8-1-2010	441-735-0165	6-4-2010	Adopt	7-1-2010
441-500-0020	3-16-2010	Amend	5-1-2010	441-735-0205	6-4-2010	Adopt	7-1-2010
441-505-3046	12-7-2009	Amend	1-1-2010	441-735-0240	6-4-2010	Adopt	7-1-2010
441-505-3046(T)	12-7-2009	Repeal	1-1-2010	441-735-0250	6-4-2010	Adopt	7-1-2010
441-710-0540	12-7-2009	Amend	1-1-2010	441-735-0255	6-4-2010	Adopt	7-1-2010
441-710-0540(T)	12-7-2009	Repeal	1-1-2010	441-735-0271	6-4-2010	Adopt	7-1-2010
441-730-0000	6-4-2010	Amend	7-1-2010	441-735-0272	6-4-2010	Adopt	7-1-2010
441-730-0010	6-4-2010	Amend	7-1-2010	441-735-0275	6-4-2010	Adopt	7-1-2010
441-730-0015	6-4-2010	Amend	7-1-2010	441-735-0280	6-4-2010	Adopt	7-1-2010
441-730-0025	6-4-2010	Amend	7-1-2010	441-735-0310	6-4-2010	Adopt	7-1-2010
441-730-0026	3-22-2010	Adopt	5-1-2010	441-735-0320	6-4-2010	Adopt	7-1-2010
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441-730-0050	6-4-2010	Amend	7-1-2010	441-740-0015	5-6-2010	Amend	6-1-2010
441-730-0070	3-22-2010	Amend	5-1-2010	441-740-0050	5-6-2010	Repeal	6-1-2010
441-730-0070	6-4-2010	Amend	7-1-2010	441-850-0005	1-4-2010	Amend	2-1-2010
441-730-0080	6-4-2010	Amend	7-1-2010	441-850-0035	1-4-2010	Amend	2-1-2010
441-730-0100	6-4-2010	Amend	7-1-2010	441-850-0042	12-7-2009	Amend	1-1-2010
441-730-0110	6-4-2010	Amend	7-1-2010	441-850-0042(T)	12-7-2009	Repeal	1-1-2010
441-730-0120	6-4-2010	Amend	7-1-2010	441-850-0050	1-4-2010	Adopt	2-1-2010
441-730-0125	3-22-2010	Adopt	5-1-2010	441-860-0010	1-4-2010	Repeal	2-1-2010
441-730-0130	6-4-2010	Amend	7-1-2010	441-860-0020	1-1-2010	Amend	1-1-2010
441-730-0140	6-4-2010	Amend	7-1-2010	441-860-0020	1-4-2010	Amend	2-1-2010
441-730-0160	6-4-2010	Amend	7-1-2010	441-860-0025	1-4-2010	Amend	2-1-2010
441-730-0165	6-4-2010	Repeal	7-1-2010	441-860-0030	1-1-2010	Amend	1-1-2010
441-730-0170	6-4-2010	Amend	7-1-2010	441-860-0030	1-4-2010	Amend	2-1-2010
441-730-0180	6-4-2010	Amend	7-1-2010	441-860-0040	1-4-2010	Amend	2-1-2010
441-730-0200	6-4-2010	Amend	7-1-2010	441-860-0050	1-1-2010	Amend	1-1-2010
441-730-0205	6-4-2010	Amend	7-1-2010	441-860-0050	1-4-2010	Amend	2-1-2010
441-730-0246	12-7-2009	Amend	1-1-2010	441-860-0060	1-4-2010	Amend	2-1-2010
441-730-0246	6-4-2010	Amend	7-1-2010	441-860-0070	1-4-2010	Amend	2-1-2010
441-730-0246(T)	12-7-2009	Repeal	1-1-2010	441-860-0080	1-4-2010	Amend	2-1-2010
441-730-0255	6-4-2010	Amend	7-1-2010	441-860-0085	3-22-2010	Adopt	5-1-2010
441-730-0260	6-4-2010	Amend	7-1-2010	441-860-0090	3-22-2010	Amend	5-1-2010
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441-730-0280	6-4-2010	Amend	7-1-2010	441-865-0010	1-4-2010	Amend	2-1-2010
441-730-0310	6-4-2010	Repeal	7-1-2010	441-865-0020	1-4-2010	Amend	2-1-2010
441-730-0320	3-22-2010	Amend	5-1-2010	441-865-0025	1-4-2010	Amend	2-1-2010
441-730-0320	6-4-2010	Amend	7-1-2010	441-865-0025	3-22-2010	Amend	5-1-2010
441-735-0000	6-4-2010	Adopt	7-1-2010	441-865-0030	1-4-2010	Amend	2-1-2010
441-735-0010	6-4-2010	Adopt	7-1-2010	441-865-0040	1-4-2010	Amend	2-1-2010

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441-865-0060	3-22-2010	Amend	5-1-2010	442-005-0050	7-22-2010	Amend	9-1-2010
441-865-0080	1-4-2010	Amend	2-1-2010	442-005-0060	1-7-2010	Amend(T)	2-1-2010
441-865-0090	1-4-2010	Amend	2-1-2010	442-005-0060	7-22-2010	Amend	9-1-2010
441-870-0030	1-4-2010	Amend	2-1-2010	442-005-0100	1-7-2010	Amend(T)	2-1-2010
441-870-0040	1-4-2010	Amend	2-1-2010	442-005-0100	7-22-2010	Amend	9-1-2010
441-870-0050	1-4-2010	Amend	2-1-2010	442-010-0010	3-23-2010	Adopt(T)	5-1-2010
441-870-0070	1-4-2010	Amend	2-1-2010	442-010-0020	3-23-2010	Adopt(T)	5-1-2010
441-870-0080	1-4-2010	Amend	2-1-2010	442-010-0030	3-23-2010	Adopt(T)	5-1-2010
441-870-0080	3-22-2010	Amend	5-1-2010	442-010-0040	3-23-2010	Adopt(T)	5-1-2010
441-870-0081	3-22-2010	Adopt	5-1-2010	442-010-0050	3-23-2010	Adopt(T)	5-1-2010
441-875-0010	1-4-2010	Repeal	2-1-2010	442-010-0060	3-23-2010	Adopt(T)	5-1-2010
441-875-0020	1-4-2010	Amend	2-1-2010	442-010-0070	3-23-2010	Adopt(T)	5-1-2010
441-875-0030	1-4-2010	Amend	2-1-2010	442-010-0080	3-23-2010	Adopt(T)	5-1-2010
441-875-0040	1-4-2010	Amend	2-1-2010	442-010-0090	3-23-2010	Adopt(T)	5-1-2010
441-880-0010	1-4-2010	Amend	2-1-2010	442-010-0100	3-23-2010	Adopt(T)	5-1-2010
441-880-0020	1-4-2010	Am. & Ren.	2-1-2010	442-010-0110	3-23-2010	Adopt(T)	5-1-2010
441-880-0021	1-4-2010	Adopt	2-1-2010	442-010-0120	3-23-2010	Adopt(T)	5-1-2010
441-880-0022	1-4-2010	Adopt	2-1-2010	442-010-0130	3-23-2010	Adopt(T)	5-1-2010
441-880-0030	1-4-2010	Amend	2-1-2010	442-010-0140	3-23-2010	Adopt(T)	5-1-2010
441-880-0040	1-4-2010	Amend	2-1-2010	442-010-0150	3-23-2010	Adopt(T)	5-1-2010
441-880-0050	1-4-2010	Am. & Ren.	2-1-2010	442-010-0160	3-23-2010	Adopt(T)	5-1-2010
441-880-0200	1-4-2010	Adopt	2-1-2010	442-010-0170	3-23-2010	Adopt(T)	5-1-2010
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441-880-0210	1-4-2010	Adopt	2-1-2010	442-010-0190	3-23-2010	Adopt(T)	5-1-2010
441-880-0300	1-4-2010	Adopt	2-1-2010	443-002-0070	2-9-2010	Amend	3-1-2010
441-880-0310	1-4-2010	Adopt	2-1-2010	443-002-0090	2-9-2010	Amend	3-1-2010
441-885-0010	1-4-2010	Amend	2-1-2010	459-005-0001	5-28-2010	Amend	7-1-2010
441-910-0000	1-1-2010	Amend	2-1-2010	459-009-0120	5-28-2010	Repeal	7-1-2010
441-910-0005	1-1-2010	Adopt	2-1-2010	459-009-0200	8-2-2010	Amend	9-1-2010
441-910-0010	1-1-2010	Amend	2-1-2010	459-010-0010	5-28-2010	Amend	7-1-2010
441-910-0020	1-1-2010	Repeal	2-1-2010	459-010-0014	5-28-2010	Amend	7-1-2010
441-910-0030	1-1-2010	Amend	2-1-2010	459-010-0042	5-28-2010	Repeal	7-1-2010
441-910-0040	1-1-2010	Repeal	2-1-2010	459-011-0050	5-28-2010	Amend	7-1-2010
441-910-0050	1-1-2010	Amend	2-1-2010	459-014-0100	5-28-2010	Repeal	7-1-2010
441-910-0055	1-1-2010	Amend	2-1-2010	459-015-0001	5-28-2010	Amend	7-1-2010
441-910-0080	1-1-2010	Amend	2-1-2010	459-015-0005	5-28-2010	Amend	7-1-2010
441-910-0090	1-1-2010	Repeal	2-1-2010	459-015-0030	8-2-2010	Amend	9-1-2010
441-910-0091	1-1-2010	Adopt	2-1-2010	459-015-0055	8-2-2010	Amend	9-1-2010
441-910-0092	1-1-2010	Amend	2-1-2010	459-015-0060	6-17-2010	Repeal	8-1-2010
441-910-0092(T)	1-1-2010	Repeal	2-1-2010	459-017-0060	12-1-2009	Amend	1-1-2010
441-910-0093	1-1-2010	Repeal	2-1-2010	459-030-0025	8-2-2010	Amend	9-1-2010
441-910-0094	1-1-2010	Adopt	2-1-2010	459-035-0000	4-5-2010	Amend(T)	5-1-2010
441-910-0095	1-1-2010	Repeal	2-1-2010	459-035-0001	4-5-2010	Amend(T)	5-1-2010
441-910-0099	1-1-2010	Adopt	2-1-2010	459-035-0020	4-5-2010	Amend(T)	5-1-2010
441-910-0110	1-1-2010	Repeal	2-1-2010	459-035-0030	4-5-2010	Amend(T)	5-1-2010
441-910-0120	1-1-2010	Repeal	2-1-2010	459-035-0040	4-5-2010	Amend(T)	5-1-2010
441-910-0135	1-1-2010	Adopt	2-1-2010	459-045-0000	5-28-2010	Repeal	7-1-2010
441-910-0145	1-1-2010	Adopt	2-1-2010	459-045-0001	5-28-2010	Amend	7-1-2010
441-910-0150	1-1-2010	Adopt	2-1-2010	459-045-0010	5-28-2010	Amend	7-1-2010
441-910-0151	1-1-2010	Adopt	2-1-2010	459-045-0012	5-28-2010	Adopt	7-1-2010
441-910-0200	1-1-2010	Adopt	2-1-2010	459-045-0014	5-28-2010	Adopt	7-1-2010
441-910-9000(T)	1-6-2010	Suspend	2-1-2010	459-045-0020	5-28-2010	Amend	7-1-2010
441-910-9001(T)	1-6-2010	Suspend	2-1-2010	459-045-0030	5-28-2010	Amend	7-1-2010
442-005-0010	1-7-2010	Amend(T)	2-1-2010	459-045-0032	5-28-2010	Adopt	7-1-2010
442-005-0010	7-22-2010	Amend	9-1-2010	459-045-0034	5-28-2010	Adopt	7-1-2010

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459-045-0050	5-28-2010	Amend	7-1-2010	461-115-0705(T)	1-1-2010	Repeal	2-1-2010
459-045-0060	5-28-2010	Amend	7-1-2010	461-115-0705(T)	5-28-2010	Suspend	7-1-2010
459-045-0080	5-28-2010	Amend	7-1-2010	461-120-0010	1-1-2010	Amend(T)	2-1-2010
459-045-0090	5-28-2010	Amend	7-1-2010	461-120-0010	7-1-2010	Amend	8-1-2010
459-075-0150	5-28-2010	Amend	7-1-2010	461-120-0125	1-1-2010	Amend	2-1-2010
459-076-0060	6-17-2010	Repeal	8-1-2010	461-120-0125	1-1-2010	Amend(T)	2-1-2010
461-001-0015	4-1-2010	Amend	5-1-2010	461-120-0125	7-1-2010	Amend	8-1-2010
461-025-0310	1-1-2010	Amend	2-1-2010	461-120-0125(T)	1-1-2010	Repeal	2-1-2010
461-101-0010	1-1-2010	Amend	2-1-2010	461-120-0210	1-1-2010	Amend	2-1-2010
461-101-0010	1-1-2010	Amend(T)	2-1-2010	461-120-0210	1-1-2010	Amend(T)	2-1-2010
461-101-0010	7-1-2010	Amend	8-1-2010	461-120-0210	7-1-2010	Amend	8-1-2010
461-101-0010(T)	1-1-2010	Repeal	2-1-2010	461-120-0210(T)	1-1-2010	Repeal	2-1-2010
461-105-0006	1-1-2010	Adopt	2-1-2010	461-120-0310	1-1-2010	Amend	2-1-2010
461-105-0006	4-1-2010	Amend	5-1-2010	461-120-0310(T)	1-1-2010	Repeal	2-1-2010
461-105-0006(T)	1-1-2010	Repeal	2-1-2010	461-120-0315	1-1-2010	Amend	2-1-2010
461-110-0210	1-1-2010	Amend	2-1-2010	461-120-0315(T)	1-1-2010	Repeal	2-1-2010
461-110-0210	1-1-2010	Amend(T)	2-1-2010	461-120-0345	1-1-2010	Amend	2-1-2010
461-110-0210	7-1-2010	Amend	8-1-2010	461-120-0345(T)	1-1-2010	Repeal	2-1-2010
461-110-0210(T)	1-1-2010	Repeal	2-1-2010	461-120-0510	1-1-2010	Amend	2-1-2010
461-110-0370	1-1-2010	Amend	2-1-2010	461-120-0510(T)	1-1-2010	Repeal	2-1-2010
461-110-0400	1-1-2010	Amend(T)	2-1-2010	461-125-0170	1-1-2010	Amend	2-1-2010
461-110-0400	7-1-2010	Amend	8-1-2010	461-125-0170(T)	1-1-2010	Repeal	2-1-2010
461-110-0430	1-1-2010	Amend	2-1-2010	461-125-0310	1-1-2010	Amend	2-1-2010
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461-110-0530	7-1-2010	Amend	8-1-2010	461-135-0095(T)	1-1-2010	Repeal	2-1-2010
461-110-0630	1-1-2010	Amend(T)	2-1-2010	461-135-0096	1-1-2010	Amend	2-1-2010
461-110-0630	7-1-2010	Amend	8-1-2010	461-135-0096(T)	1-1-2010	Repeal	2-1-2010
461-115-0030	1-1-2010	Amend	2-1-2010	461-135-01195	4-1-2010	Amend	5-1-2010
461-115-0030	1-1-2010	Amend(T)	2-1-2010	461-135-0150	5-1-2010	Amend(T)	6-1-2010
461-115-0030	7-1-2010	Amend	8-1-2010	461-135-0400	7-1-2010	Amend	8-1-2010
461-115-0030(T)	1-1-2010	Repeal	2-1-2010	461-135-0415	7-1-2010	Amend	8-1-2010
461-115-0050	1-1-2010	Amend	2-1-2010	461-135-0498	4-1-2010	Adopt	5-1-2010
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461-115-0050	7-1-2010	Amend	8-1-2010	461-135-0570	4-1-2010	Amend	5-1-2010
461-115-0050(T)	1-1-2010	Repeal	2-1-2010	461-135-0570	4-1-2010	Amend(T)	5-1-2010
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461-115-0090	1-1-2010	Amend	2-1-2010	461-135-0570(T)	7-1-2010	Repeal	8-1-2010
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461-115-0230	4-1-2010	Amend	5-1-2010	461-135-0730	4-1-2010	Amend	5-1-2010
461-115-0230	4-1-2010	Amend(T)	5-1-2010	461-135-0832	4-1-2010	Amend	5-1-2010
461-115-0230	7-1-2010	Amend	8-1-2010	461-135-0835	1-1-2010	Amend	2-1-2010
461-115-0230(T)	4-1-2010	Repeal	5-1-2010	461-135-0835	4-1-2010	Amend	5-1-2010
461-115-0430	1-1-2010	Amend(T)	2-1-2010	461-135-0835	5-27-2010	Amend(T)	7-1-2010
461-115-0430	4-1-2010	Amend	5-1-2010	461-135-0900	5-17-2010	Amend(T)	7-1-2010
461-115-0430	4-1-2010	Amend(T)	5-1-2010	461-135-0990	1-1-2010	Amend	2-1-2010
461-115-0430	7-1-2010	Amend	8-1-2010	461-135-0990(T)	1-1-2010	Repeal	2-1-2010
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461-115-0690	4-1-2010	Amend	5-1-2010	461-135-1100	4-21-2010	Amend(T)	6-1-2010
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461-115-0705	1-1-2010	Amend(T)	2-1-2010	461-135-1100	7-1-2010	Amend(T)	8-1-2010
461-115-0705	5-28-2010	Amend(T)	7-1-2010	461-135-1100	7-15-2010	Amend(T)	8-1-2010
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461-135-1100(T)	4-21-2010	Suspend	6-1-2010	461-155-0175	1-1-2010	Repeal	2-1-2010
461-135-1100(T)	7-15-2010	Suspend	8-1-2010	461-155-0180	3-31-2010	Amend	5-1-2010
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461-135-1101	7-1-2010	Adopt	8-1-2010	461-155-0225(T)	1-1-2010	Repeal	2-1-2010
461-135-1102	4-21-2010	Amend(T)	6-1-2010	461-155-0250	1-1-2010	Amend	2-1-2010
461-135-1110	7-1-2010	Amend(T)	8-1-2010	461-155-0270	1-1-2010	Amend(T)	2-1-2010
461-135-1125	1-1-2010	Amend	2-1-2010	461-155-0270	7-1-2010	Amend	8-1-2010
461-135-1125	4-21-2010	Amend(T)	6-1-2010	461-155-0360	1-1-2010	Amend	2-1-2010
461-135-1125(T)	1-1-2010	Repeal	2-1-2010	461-155-0360(T)	1-1-2010	Repeal	2-1-2010
461-135-1149	1-1-2010	Adopt	2-1-2010	461-155-0500	7-1-2010	Amend	8-1-2010
461-135-1149	1-1-2010	Amend(T)	2-1-2010	461-155-0530	1-1-2010	Amend	2-1-2010
461-135-1149	7-1-2010	Amend	8-1-2010	461-155-0580	1-1-2010	Amend	2-1-2010
461-135-1149(T)	1-1-2010	Repeal	2-1-2010	461-155-0630	1-1-2010	Amend	2-1-2010
461-135-1175	4-1-2010	Amend(T)	5-1-2010	461-155-0640	1-1-2010	Amend	2-1-2010
461-135-1175	7-1-2010	Amend	8-1-2010	461-155-0660	1-1-2010	Amend	2-1-2010
461-135-1175(T)	7-1-2010	Repeal	8-1-2010	461-155-0670	1-1-2010	Amend	2-1-2010
461-135-1180	1-1-2010	Repeal	2-1-2010	461-155-0680	1-1-2010	Amend	2-1-2010
461-135-1185	1-1-2010	Amend	2-1-2010	461-155-0688	1-1-2010	Adopt	2-1-2010
461-135-1195	11-16-2009	Amend(T)	1-1-2010	461-155-0693	1-1-2010	Adopt	2-1-2010
461-135-1195(T)	4-1-2010	Repeal	5-1-2010	461-155-0693	7-1-2010	Amend	8-1-2010
461-135-1225	1-1-2010	Amend	2-1-2010	461-155-0693	7-1-2010	Amend(T)	8-1-2010
461-135-1230	1-1-2010	Amend	2-1-2010	461-155-0700	4-1-2010	Amend	5-1-2010
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461-145-0130	1-1-2010	Amend	2-1-2010	461-160-0015	7-1-2010	Amend	8-1-2010
461-145-0130	1-1-2010	Amend(T)	2-1-2010	461-160-0015(T)	1-1-2010	Repeal	2-1-2010
461-145-0130	4-1-2010	Amend	5-1-2010	461-160-0580	1-1-2010	Amend	2-1-2010
461-145-0130	5-19-2010	Amend(T)	7-1-2010	461-160-0610	1-1-2010	Amend	2-1-2010
461-145-0130(T)	1-1-2010	Repeal	2-1-2010	461-160-0620	7-1-2010	Amend	8-1-2010
461-145-0130(T)	4-1-2010	Repeal	5-1-2010	461-160-0700	1-1-2010	Amend	2-1-2010
461-145-0140	4-22-2010	Amend(T)	6-1-2010	461-160-0700(T)	1-1-2010	Repeal	2-1-2010
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461-145-0143	7-1-2010	Amend(T)	8-1-2010	461-165-0100	4-1-2010	Amend	5-1-2010
461-145-0143(T)	1-1-2010	Repeal	2-1-2010	461-165-0100	7-1-2010	Amend	8-1-2010
461-145-0150	4-1-2010	Amend	5-1-2010	461-165-0150	4-1-2010	Repeal	5-1-2010
461-145-0184	4-1-2010	Adopt	5-1-2010	461-165-0180	7-1-2010	Amend	8-1-2010
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461-145-0260	1-1-2010	Amend	2-1-2010	461-165-0200	4-1-2010	Amend	5-1-2010
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461-175-0222	5-27-2010	Amend	7-1-2010	471-007-0290(T)	1-31-2010	Repeal	3-1-2010
461-175-0270	1-1-2010	Amend	2-1-2010	471-007-0300	1-31-2010	Adopt	3-1-2010
461-175-0270	4-1-2010	Amend	5-1-2010	471-007-0300(T)	1-31-2010	Repeal	3-1-2010
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461-180-0050	7-1-2010	Amend	8-1-2010	471-030-0220	4-14-2010	Adopt	5-1-2010
461-180-0085	1-1-2010	Amend	2-1-2010	471-030-0225	3-3-2010	Adopt(T)	4-1-2010
461-180-0085(T)	1-1-2010	Repeal	2-1-2010	471-030-0225	7-16-2010	Adopt	9-1-2010
461-180-0090	1-1-2010	Amend	2-1-2010	471-030-0225(T)	7-16-2010	Repeal	9-1-2010
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461-180-0090	1-26-2010	Amend(T)	3-1-2010	571-060-0005	7-30-2010	Amend	9-1-2010
461-180-0090	7-1-2010	Amend	8-1-2010	573-040-0005	7-12-2010	Amend	8-1-2010
461-180-0090	7-1-2010	Amend(T)	8-1-2010	573-041-0005	1-11-2010	Repeal	2-1-2010
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461-193-0240	1-1-2010	Amend	2-1-2010	573-041-0027	4-22-2010	Repeal	6-1-2010
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461-193-0920	1-1-2010	Repeal	2-1-2010	573-041-0030	4-22-2010	Repeal	6-1-2010
461-193-0980	1-1-2010	Repeal	2-1-2010	573-041-0035	1-11-2010	Repeal	2-1-2010
461-193-1360	1-1-2010	Repeal	2-1-2010	573-041-0035	4-22-2010	Repeal	6-1-2010
461-193-1370	1-1-2010	Repeal	2-1-2010	573-041-0036	1-11-2010	Repeal	2-1-2010
461-193-1380	1-1-2010	Amend	2-1-2010	573-041-0036	4-22-2010	Repeal	6-1-2010
461-195-0501	1-1-2010	Amend	2-1-2010	573-041-0037	1-11-2010	Repeal	2-1-2010
461-195-0511	1-1-2010	Repeal	2-1-2010	573-041-0037	4-22-2010	Repeal	6-1-2010
461-195-0521	1-1-2010	Amend	2-1-2010	573-041-0040	1-11-2010	Repeal	2-1-2010
461-195-0531	1-1-2010	Repeal	2-1-2010	573-041-0040	4-22-2010	Repeal	6-1-2010
461-195-0541	1-1-2010	Amend	2-1-2010	573-041-0045	1-11-2010	Repeal	2-1-2010
461-195-0551	1-1-2010	Amend	2-1-2010	573-041-0045	4-22-2010	Repeal	6-1-2010
461-195-0561	1-1-2010	Amend	2-1-2010	573-041-0050	1-11-2010	Repeal	2-1-2010
471-007-0200	1-31-2010	Adopt	3-1-2010	573-041-0050	4-22-2010	Repeal	6-1-2010
471-007-0200(T)	1-31-2010	Repeal	3-1-2010	573-041-0055	1-11-2010	Repeal	2-1-2010
471-007-0210	1-31-2010	Adopt	3-1-2010	573-041-0055	4-22-2010	Repeal	6-1-2010
471-007-0210(T)	1-31-2010	Repeal	3-1-2010	573-041-0060	1-11-2010	Repeal	2-1-2010
471-007-0220	1-31-2010	Adopt	3-1-2010	573-041-0060	4-22-2010	Repeal	6-1-2010
471-007-0220(T)	1-31-2010	Repeal	3-1-2010	573-041-0065	1-11-2010	Repeal	2-1-2010
471-007-0230	1-31-2010	Adopt	3-1-2010	573-041-0065	4-22-2010	Repeal	6-1-2010
471-007-0230(T)	1-31-2010	Repeal	3-1-2010	573-041-0085	1-11-2010	Repeal	2-1-2010
471-007-0240	1-31-2010	Adopt	3-1-2010	573-041-0085	4-22-2010	Repeal	6-1-2010
471-007-0240(T)	1-31-2010	Repeal	3-1-2010	573-041-0090	1-11-2010	Repeal	2-1-2010
471-007-0250	1-31-2010	Adopt	3-1-2010	573-041-0090	4-22-2010	Repeal	6-1-2010
471-007-0250(T)	1-31-2010	Repeal	3-1-2010	573-041-0095	1-11-2010	Repeal	2-1-2010
471-007-0260	1-31-2010	Adopt	3-1-2010	573-041-0095	4-22-2010	Repeal	6-1-2010
471-007-0260(T)	1-31-2010	Repeal	3-1-2010	573-041-0096	1-11-2010	Repeal	2-1-2010
471-007-0270	1-31-2010	Adopt	3-1-2010	573-041-0096	4-22-2010	Repeal	6-1-2010
471-007-0270(T)	1-31-2010	Repeal	3-1-2010	573-041-0100	1-11-2010	Repeal	2-1-2010
471-007-0280	1-31-2010	Adopt	3-1-2010	573-041-0100	4-22-2010	Repeal	6-1-2010
471-007-0280(T)	1-31-2010	Repeal	3-1-2010	573-050-0025	6-8-2010	Amend	7-1-2010

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574-050-0005	8-4-2010	Amend	9-1-2010	580-040-0040	2-11-2010	Amend	3-1-2010
575-031-0025	11-24-2009	Amend(T)	1-1-2010	580-040-0040	6-17-2010	Amend	8-1-2010
576-010-0000	7-1-2010	Amend	8-1-2010	580-040-0040(T)	2-11-2010	Repeal	3-1-2010
576-010-0031	8-10-2010	Adopt	9-1-2010	581-001-0053	12-10-2009	Amend	1-1-2010
576-010-0036	8-10-2010	Adopt	9-1-2010	581-011-0087	2-8-2010	Amend	3-1-2010
576-010-0041	8-10-2010	Adopt	9-1-2010	581-015-2000	12-10-2009	Amend	1-1-2010
576-015-0005	7-1-2010	Amend	8-1-2010	581-015-2090	12-10-2009	Amend	1-1-2010
576-015-0010	7-1-2010	Amend	8-1-2010	581-015-2270	12-10-2009	Amend	1-1-2010
576-015-0015	7-1-2010	Repeal	8-1-2010	581-015-2275	12-10-2009	Amend	1-1-2010
576-015-0020	7-1-2010	Amend	8-1-2010	581-015-2440	12-10-2009	Amend	1-1-2010
576-015-0021	7-1-2010	Adopt	8-1-2010	581-015-2570	12-10-2009	Amend	1-1-2010
576-015-0025	7-1-2010	Amend	8-1-2010	581-015-2571	12-10-2009	Adopt	1-1-2010
576-015-0030	7-1-2010	Amend	8-1-2010	581-015-2572	12-10-2009	Adopt	1-1-2010
576-015-0035	7-1-2010	Amend	8-1-2010	581-015-2573	12-10-2009	Adopt	1-1-2010
576-015-0040	7-1-2010	Amend	8-1-2010	581-015-2574	12-10-2009	Adopt	1-1-2010
576-015-0043	7-1-2010	Amend	8-1-2010	581-015-2735	12-10-2009	Amend	1-1-2010
576-015-0045	7-1-2010	Amend	8-1-2010	581-016-0520	12-10-2009	Amend	1-1-2010
576-015-0050	7-1-2010	Amend	8-1-2010	581-016-0526	12-10-2009	Amend	1-1-2010
576-015-0055	7-1-2010	Amend	8-1-2010	581-016-0536	12-10-2009	Amend	1-1-2010
576-015-0056	7-1-2010	Amend	8-1-2010	581-016-0537	12-10-2009	Amend	1-1-2010
576-015-0057	7-1-2010	Amend	8-1-2010	581-016-0538	12-10-2009	Amend	1-1-2010
576-015-0060	7-1-2010	Amend	8-1-2010	581-016-0541	12-10-2009	Amend	1-1-2010
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576-018-0010	7-1-2010	Repeal	8-1-2010	581-016-0890	12-10-2009	Repeal	1-1-2010
576-018-0020	7-1-2010	Repeal	8-1-2010	581-016-0900	12-10-2009	Repeal	1-1-2010
576-018-0030	7-1-2010	Repeal	8-1-2010	581-016-0910	12-10-2009	Repeal	1-1-2010
576-018-0040	7-1-2010	Repeal	8-1-2010	581-016-0920	12-10-2009	Repeal	1-1-2010
576-018-0050	7-1-2010	Repeal	8-1-2010	581-016-0930	12-10-2009	Repeal	1-1-2010
576-018-0060	7-1-2010	Repeal	8-1-2010	581-016-0940	12-10-2009	Repeal	1-1-2010
576-018-0070	7-1-2010	Repeal	8-1-2010	581-016-0950	12-10-2009	Repeal	1-1-2010
576-018-0080	7-1-2010	Repeal	8-1-2010	581-016-0960	12-10-2009	Repeal	1-1-2010
576-018-0090	7-1-2010	Repeal	8-1-2010	581-016-0970	12-10-2009	Repeal	1-1-2010
576-018-0100	7-1-2010	Repeal	8-1-2010	581-016-0980	12-10-2009	Repeal	1-1-2010
576-018-0110	7-1-2010	Repeal	8-1-2010	581-016-0990	12-10-2009	Repeal	1-1-2010
576-018-0120	7-1-2010	Repeal	8-1-2010	581-016-1000	12-10-2009	Repeal	1-1-2010
576-018-0130	7-1-2010	Repeal	8-1-2010	581-016-1010	12-10-2009	Repeal	1-1-2010
576-018-0140	7-1-2010	Repeal	8-1-2010	581-016-1020	12-10-2009	Repeal	1-1-2010
576-018-0150	7-1-2010	Repeal	8-1-2010	581-016-1030	12-10-2009	Repeal	1-1-2010
576-018-0160	7-1-2010	Repeal	8-1-2010	581-016-1040	12-10-2009	Repeal	1-1-2010
576-018-0170	7-1-2010	Repeal	8-1-2010	581-016-1050	12-10-2009	Repeal	1-1-2010
576-018-0180	7-1-2010	Repeal	8-1-2010	581-020-0301	12-10-2009	Amend(T)	1-1-2010
576-018-0190	7-1-2010	Repeal	8-1-2010	581-020-0301	6-30-2010	Amend	8-1-2010
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576-018-0230	7-1-2010	Repeal	8-1-2010	581-020-0335	12-10-2009	Adopt(T)	1-1-2010
576-018-0240	7-1-2010	Repeal	8-1-2010	581-020-0336	6-30-2010	Adopt	8-1-2010
576-018-0250	7-1-2010	Repeal	8-1-2010	581-020-0337	12-10-2009	Adopt(T)	1-1-2010
576-018-0260	7-1-2010	Repeal	8-1-2010	581-020-0338	6-30-2010	Adopt	8-1-2010
577-060-0020	7-1-2010	Amend(T)	5-1-2010	581-020-0359	12-10-2009	Amend(T)	1-1-2010
577-060-0020	8-1-2010	Amend	8-1-2010	581-020-0359	6-30-2010	Amend	8-1-2010
577-060-0020(T)	8-1-2010	Repeal	8-1-2010	581-020-0362	12-10-2009	Adopt(T)	1-1-2010
578-041-0030	6-28-2010	Amend(T)	8-1-2010	581-020-0380	6-30-2010	Amend	8-1-2010
579-020-0006	12-15-2009	Amend	1-1-2010	581-021-0037	12-10-2009	Amend	1-1-2010
579-020-0006	5-13-2010	Amend	6-1-2010	581-021-0037	3-18-2010	Amend	5-1-2010

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581-021-0041	6-30-2010	Amend(T)	8-1-2010	584-042-0090	7-15-2010	Adopt	8-1-2010
581-021-0110	12-10-2009	Amend	1-1-2010	584-044-0014	7-15-2010	Amend	8-1-2010
581-021-0500	12-10-2009	Amend	1-1-2010	584-044-0015	7-15-2010	Amend	8-1-2010
581-021-0500	12-10-2009	Amend	1-1-2010	584-050-0006	12-15-2009	Amend	1-1-2010
581-022-0421	6-30-2010	Adopt	8-1-2010	584-050-0015	4-2-2010	Amend	5-1-2010
581-022-0610	12-10-2009	Amend	1-1-2010	584-050-0030	12-15-2009	Amend	1-1-2010
581-022-0610	5-27-2010	Amend	7-1-2010	584-050-0035	12-15-2009	Amend	1-1-2010
581-022-0615	12-10-2009	Amend	1-1-2010	584-050-0100	4-2-2010	Amend	5-1-2010
581-022-0615(T)	12-10-2009	Repeal	1-1-2010	584-052-0015	12-15-2009	Amend	1-1-2010
581-022-0620	3-18-2010	Adopt	5-1-2010	584-052-0030	4-2-2010	Amend	5-1-2010
581-022-1130	12-10-2009	Amend	1-1-2010	584-060-0012	12-15-2009	Amend	1-1-2010
581-022-1133	12-10-2009	Adopt	1-1-2010	584-060-0013	12-15-2009	Amend	1-1-2010
581-022-1134	12-10-2009	Amend	1-1-2010	584-060-0014	1-28-2010	Amend	3-1-2010
581-022-1135	12-10-2009	Amend	1-1-2010	584-060-0071	12-15-2009	Amend	1-1-2010
581-022-1215	12-10-2009	Adopt	1-1-2010	584-060-0071	12-18-2009	Amend	2-1-2010
581-022-1440	12-10-2009	Amend	1-1-2010	584-060-0162	1-1-2010	Amend	1-1-2010
581-023-0006	12-10-2009	Amend	1-1-2010	584-060-0162	8-13-2010	Amend(T)	9-1-2010
581-023-0018	12-10-2009	Amend	1-1-2010	584-060-0171	12-15-2009	Amend	1-1-2010
581-023-0040	4-26-2010	Amend	6-1-2010	584-060-0171	8-13-2010	Amend(T)	9-1-2010
581-037-0005	6-30-2010	Amend	8-1-2010	584-060-0181	12-15-2009	Amend	1-1-2010
581-037-0006	6-30-2010	Amend	8-1-2010	584-060-0181	8-13-2010	Amend(T)	9-1-2010
581-037-0015	6-30-2010	Amend	8-1-2010	584-060-0182	8-13-2010	Amend(T)	9-1-2010
581-037-0025	6-30-2010	Amend	8-1-2010	584-060-0190	8-13-2010	Amend(T)	9-1-2010
581-037-0030	6-30-2010	Repeal	8-1-2010	584-060-0200	8-13-2010	Amend(T)	9-1-2010
581-045-0001	2-8-2010	Amend	3-1-2010	584-060-0210	8-13-2010	Amend(T)	9-1-2010
581-045-0003	2-8-2010	Adopt	3-1-2010	584-060-0220	12-15-2009	Adopt	1-1-2010
581-045-0006	2-8-2010	Amend	3-1-2010	584-060-0220	8-13-2010	Amend(T)	9-1-2010
581-045-0062	2-8-2010	Amend	3-1-2010	584-065-0030	12-15-2009	Repeal	1-1-2010
581-045-0500	2-8-2010	Amend	3-1-2010	584-065-0035	12-15-2009	Adopt	1-1-2010
581-045-0522	12-10-2009	Amend	1-1-2010	584-065-0040	12-15-2009	Repeal	1-1-2010
581-045-0586	12-10-2009	Amend	1-1-2010	584-070-0001	8-13-2010	Amend(T)	9-1-2010
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584-017-0200	12-15-2009	Amend	1-1-2010	584-070-0111	12-15-2009	Amend	1-1-2010
584-017-0201	12-15-2009	Amend	1-1-2010	584-070-0111	4-2-2010	Amend	5-1-2010
584-020-0040	7-15-2010	Amend	8-1-2010	584-070-0111	8-13-2010	Amend(T)	9-1-2010
584-021-0165	12-15-2009	Amend	1-1-2010	584-070-0112	12-15-2009	Amend	1-1-2010
584-021-0165	8-13-2010	Amend(T)	9-1-2010	584-070-0112	8-13-2010	Amend(T)	9-1-2010
584-023-0005	8-13-2010	Amend(T)	9-1-2010	584-070-0132	8-13-2010	Amend(T)	9-1-2010
584-036-0055	12-15-2009	Amend	1-1-2010	584-070-0310	12-15-2009	Amend	1-1-2010
584-036-0055	7-15-2010	Amend	8-1-2010	584-070-0310	8-13-2010	Amend(T)	9-1-2010
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584-036-0081	12-15-2009	Amend	1-1-2010	584-080-0022	12-15-2009	Amend	1-1-2010
584-038-0300	12-15-2009	Amend	1-1-2010	584-080-0031	8-13-2010	Amend(T)	9-1-2010
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584-042-0006	3-5-2010	Suspend	4-1-2010	584-080-0152	12-15-2009	Amend	1-1-2010
584-042-0009	3-5-2010	Suspend	4-1-2010	584-080-0153	12-15-2009	Amend	1-1-2010
584-042-0021	3-5-2010	Adopt(T)	4-1-2010	584-080-0153	4-2-2010	Amend	5-1-2010
584-042-0021	7-15-2010	Adopt	8-1-2010	584-080-0153	8-13-2010	Amend(T)	9-1-2010
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584-042-0036	7-15-2010	Adopt	8-1-2010	584-080-0161	8-13-2010	Amend(T)	9-1-2010
584-042-0044	3-5-2010	Adopt(T)	4-1-2010	584-080-0171	8-13-2010	Amend(T)	9-1-2010
584-042-0044	7-15-2010	Adopt	8-1-2010	584-090-0050	4-2-2010	Repeal	5-1-2010
584-042-0044	8-13-2010	Amend(T)	9-1-2010	589-007-0700	12-14-2009	Adopt	1-1-2010
584-042-0060	7-15-2010	Adopt	8-1-2010	603-010-0056	1-7-2010	Adopt	2-1-2010
584-042-0070	7-15-2010	Adopt	8-1-2010	603-011-0610	2-26-2010	Amend	4-1-2010

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603-011-0620	2-26-2010	Amend	4-1-2010	629-045-0005	5-19-2010	Repeal	7-1-2010
603-011-0700	2-10-2010	Amend	3-1-2010	629-045-0010	5-19-2010	Repeal	7-1-2010
603-011-0701	2-10-2010	Adopt	3-1-2010	629-045-0020	5-19-2010	Adopt	7-1-2010
603-011-0705	2-10-2010	Amend	3-1-2010	629-045-0025	5-19-2010	Adopt	7-1-2010
603-011-0706	2-10-2010	Adopt	3-1-2010	629-045-0030	5-19-2010	Adopt	7-1-2010
603-011-0725	2-10-2010	Amend	3-1-2010	629-045-0035	5-19-2010	Adopt	7-1-2010
603-027-0410	1-1-2010	Amend	2-1-2010	629-045-0040	5-19-2010	Adopt	7-1-2010
603-027-0410(T)	1-1-2010	Repeal	2-1-2010	629-045-0045	5-19-2010	Adopt	7-1-2010
603-027-0420	1-1-2010	Amend	2-1-2010	629-045-0050	5-19-2010	Adopt	7-1-2010
603-027-0420(T)	1-1-2010	Repeal	2-1-2010	629-045-0055	5-19-2010	Adopt	7-1-2010
603-027-0430	1-1-2010	Amend	2-1-2010	629-045-0060	5-19-2010	Adopt	7-1-2010
603-027-0430(T)	1-1-2010	Repeal	2-1-2010	629-045-0065	5-19-2010	Adopt	7-1-2010
603-027-0440	1-1-2010	Amend	2-1-2010	632-020-0005	6-22-2010	Amend	8-1-2010
603-027-0440(T)	1-1-2010	Repeal	2-1-2010	632-020-0010	6-22-2010	Amend	8-1-2010
603-027-0490	1-1-2010	Amend	2-1-2010	632-020-0015	6-22-2010	Amend	8-1-2010
603-027-0490(T)	1-1-2010	Repeal	2-1-2010	632-020-0020	6-22-2010	Amend	8-1-2010
603-052-0051	1-28-2010	Amend	3-1-2010	632-020-0030	6-22-2010	Amend	8-1-2010
603-052-0127	1-28-2010	Amend	3-1-2010	632-020-0031	6-22-2010	Amend	8-1-2010
603-052-0860	1-21-2010	Amend	3-1-2010	632-020-0040	6-22-2010	Amend	8-1-2010
603-052-0880	1-21-2010	Amend	3-1-2010	632-020-0045	6-22-2010	Amend	8-1-2010
603-052-1150	8-9-2010	Amend	9-1-2010	632-020-0055	6-22-2010	Amend	8-1-2010
603-052-1200	2-4-2010	Amend	3-1-2010	632-020-0060	6-22-2010	Amend	8-1-2010
603-052-1236	2-4-2010	Adopt	3-1-2010	632-020-0065	6-22-2010	Amend	8-1-2010
603-054-0024	1-28-2010	Amend	3-1-2010	632-020-0070	6-22-2010	Amend	8-1-2010
603-056-0305	7-12-2010	Amend	8-1-2010	632-020-0090	6-22-2010	Amend	8-1-2010
603-056-0315	4-21-2010	Amend	6-1-2010	632-020-0095	6-22-2010	Amend	8-1-2010
603-057-0160	12-7-2009	Amend	1-1-2010	632-020-0100	6-22-2010	Amend	8-1-2010
603-076-0101	1-15-2010	Adopt	2-1-2010	632-020-0105	6-22-2010	Amend	8-1-2010
603-076-0106	1-15-2010	Adopt	2-1-2010	632-020-0110	6-22-2010	Amend	8-1-2010
603-077-0101	7-12-2010	Amend	8-1-2010	632-020-0115	6-22-2010	Amend	8-1-2010
603-077-0103	7-12-2010	Amend	8-1-2010	632-020-0117	6-22-2010	Amend	8-1-2010
603-077-0105	7-12-2010	Amend	8-1-2010	632-020-0120	6-22-2010	Amend	8-1-2010
603-077-0110	7-12-2010	Amend	8-1-2010	632-020-0125	6-22-2010	Amend	8-1-2010
603-077-0112	7-12-2010	Amend	8-1-2010	632-020-0130	6-22-2010	Amend	8-1-2010
603-077-0113	7-12-2010	Amend	8-1-2010	632-020-0135	6-22-2010	Amend	8-1-2010
603-077-0115	7-12-2010	Amend	8-1-2010	632-020-0138	6-22-2010	Amend	8-1-2010
603-077-0119	7-12-2010	Adopt	8-1-2010	632-020-0145	6-22-2010	Amend	8-1-2010
603-077-0125	7-12-2010	Repeal	8-1-2010	632-020-0150	6-22-2010	Amend	8-1-2010
603-077-0131	7-12-2010	Amend	8-1-2010	632-020-0151	6-22-2010	Amend	8-1-2010
603-077-0133	7-12-2010	Amend	8-1-2010	632-020-0154	6-22-2010	Amend	8-1-2010
603-077-0135	7-12-2010	Amend	8-1-2010	632-020-0155	6-22-2010	Amend	8-1-2010
603-077-0137	7-12-2010	Amend	8-1-2010	632-020-0156	6-22-2010	Amend	8-1-2010
603-077-0139	7-12-2010	Adopt	8-1-2010	632-020-0157	6-22-2010	Amend	8-1-2010
603-077-0140	7-12-2010	Amend	8-1-2010	632-020-0158	6-22-2010	Amend	8-1-2010
603-077-0145	7-12-2010	Amend	8-1-2010	632-020-0170	6-22-2010	Amend	8-1-2010
603-077-0155	7-12-2010	Amend	8-1-2010	632-020-0175	6-22-2010	Amend	8-1-2010
603-077-0177	7-12-2010	Amend	8-1-2010	632-020-0180	6-22-2010	Amend	8-1-2010
607-010-0020	7-1-2010	Amend	7-1-2010	635-001-0035	1-1-2010	Amend	2-1-2010
609-010-0100	5-28-2010	Adopt	7-1-2010	635-001-0410	7-1-2010	Adopt(T)	8-1-2010
609-010-0110	5-28-2010	Adopt	7-1-2010	635-002-0014	5-17-2010	Adopt	7-1-2010
609-010-0120	5-28-2010	Adopt	7-1-2010	635-003-0003	5-25-2010	Amend	7-1-2010
609-010-0130	5-28-2010	Adopt	7-1-2010	635-003-0085	8-1-2010	Amend	7-1-2010
609-010-0140	5-28-2010	Adopt	7-1-2010	635-004-0005	3-15-2010	Amend	4-1-2010
617-010-0085	6-21-2010	Amend	8-1-2010	635-004-0005	4-1-2010	Amend	5-1-2010
617-040-0010	5-21-2010	Amend	7-1-2010	635-004-0009	3-15-2010	Amend	4-1-2010

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635-004-0016	1-1-2010	Amend(T)	2-1-2010	635-013-0003	5-25-2010	Amend	7-1-2010
635-004-0016	3-15-2010	Amend	4-1-2010	635-013-0004	1-1-2010	Amend	1-1-2010
635-004-0016	4-1-2010	Amend	5-1-2010	635-013-0007	8-1-2010	Amend	7-1-2010
635-004-0016(T)	4-1-2010	Repeal	5-1-2010	635-013-0009	3-15-2010	Amend(T)	4-1-2010
635-004-0017	6-12-2010	Amend(T)	7-1-2010	635-013-0009	8-1-2010	Amend	7-1-2010
635-004-0017	7-22-2010	Amend(T)	9-1-2010	635-013-0009(T)	8-1-2010	Repeal	7-1-2010
635-004-0019	3-3-2010	Amend(T)	4-1-2010	635-014-0080	1-1-2010	Amend	1-1-2010
635-004-0019	5-12-2010	Amend(T)	6-1-2010	635-014-0090	1-1-2010	Amend	1-1-2010
635-004-0019	7-30-2010	Amend(T)	9-1-2010	635-014-0090	4-21-2010	Amend(T)	6-1-2010
635-004-0019(T)	5-12-2010	Suspend	6-1-2010	635-014-0090	6-1-2010	Amend(T)	7-1-2010
635-004-0019(T)	7-30-2010	Suspend	9-1-2010	635-014-0090	7-1-2010	Amend(T)	8-1-2010
635-004-0020	1-1-2010	Amend	2-1-2010	635-014-0090	8-1-2010	Amend	7-1-2010
635-004-0027	1-1-2010	Amend(T)	2-1-2010	635-014-0090(T)	6-1-2010	Suspend	7-1-2010
635-004-0033	1-1-2010	Amend	2-1-2010	635-014-0090(T)	7-1-2010	Suspend	8-1-2010
635-004-0033	8-1-2010	Amend(T)	9-1-2010	635-016-0080	1-1-2010	Amend	1-1-2010
635-004-0036	1-1-2010	Amend	2-1-2010	635-016-0090	11-19-2009	Amend(T)	1-1-2010
635-004-0066	1-1-2010	Adopt	2-1-2010	635-016-0090	1-1-2010	Amend	1-1-2010
635-004-0068	1-1-2010	Adopt	2-1-2010	635-016-0090	5-22-2010	Amend(T)	7-1-2010
635-004-0070	1-1-2010	Amend	2-1-2010	635-016-0090	8-1-2010	Amend	7-1-2010
635-004-0080	1-1-2010	Amend	2-1-2010	635-016-0090(T)	11-19-2009	Suspend	1-1-2010
635-005-0005	1-1-2010	Amend	2-1-2010	635-017-0080	1-1-2010	Amend	1-1-2010
635-005-0055	8-10-2010	Amend	9-1-2010	635-017-0090	1-1-2010	Amend	1-1-2010
635-006-0001	1-1-2010	Amend	1-1-2010	635-017-0090	5-14-2010	Amend	6-1-2010
635-006-0020	1-1-2010	Amend	1-1-2010	635-017-0090	5-22-2010	Amend(T)	6-1-2010
635-006-0212	4-27-2010	Amend(T)	6-1-2010	635-017-0090	6-18-2010	Amend(T)	8-1-2010
635-006-0215	4-1-2010	Amend(T)	5-1-2010	635-017-0090	7-1-2010	Amend(T)	8-1-2010
635-006-0215	4-27-2010	Amend(T)	6-1-2010	635-017-0090	7-8-2010	Amend(T)	8-1-2010
635-006-0215(T)	4-27-2010	Suspend	6-1-2010	635-017-0090(T)	6-18-2010	Suspend	8-1-2010
635-006-0225	4-27-2010	Amend(T)	6-1-2010	635-017-0090(T)	7-1-2010	Suspend	8-1-2010
635-006-0232	1-13-2010	Amend	2-1-2010	635-017-0090(T)	7-8-2010	Suspend	8-1-2010
635-006-0850	1-1-2010	Amend	2-1-2010	635-017-0095	1-1-2010	Amend	1-1-2010
635-006-0890	1-1-2010	Amend	2-1-2010	635-017-0095	4-1-2010	Amend	5-1-2010
635-006-0910	1-1-2010	Amend	1-1-2010	635-017-0095	7-5-2010	Amend(T)	8-1-2010
635-006-1025	1-1-2010	Amend	1-1-2010	635-018-0080	1-1-2010	Amend	1-1-2010
635-006-1075	1-1-2010	Amend	1-1-2010	635-018-0090	1-1-2010	Amend	1-1-2010
635-006-1085	1-1-2010	Amend	1-1-2010	635-018-0090	4-1-2010	Amend(T)	3-1-2010
635-007-0605	1-1-2010	Amend	1-1-2010	635-018-0090	4-15-2010	Amend(T)	4-1-2010
635-007-0910	1-1-2010	Amend	1-1-2010	635-018-0090	5-22-2010	Amend(T)	7-1-2010
635-008-0055	8-13-2010	Amend	9-1-2010	635-018-0090	7-1-2010	Amend(T)	8-1-2010
635-008-0070	8-13-2010	Amend	9-1-2010	635-018-0090	8-1-2010	Amend(T)	9-1-2010
635-008-0085	8-13-2010	Amend	9-1-2010	635-018-0090(T)	4-15-2010	Suspend	4-1-2010
635-008-0145	1-1-2010	Amend	1-1-2010	635-018-0090(T)	5-22-2010	Suspend	7-1-2010
635-008-0155	8-13-2010	Amend	9-1-2010	635-018-0090(T)	7-1-2010	Suspend	8-1-2010
635-008-0211	8-10-2010	Adopt	9-1-2010	635-018-0090(T)	8-1-2010	Suspend	9-1-2010
635-011-0100	1-1-2010	Amend	1-1-2010	635-019-0080	1-1-2010	Amend	1-1-2010
635-011-0170	3-15-2010	Adopt	4-1-2010	635-019-0090	1-1-2010	Amend	1-1-2010
635-012-0020	6-30-2011	Adopt	2-1-2010	635-019-0090	5-22-2010	Amend(T)	6-1-2010
635-012-0020	6-30-2011	Adopt	3-1-2010	635-019-0090	7-11-2010	Amend(T)	8-1-2010
635-012-0030	6-30-2011	Adopt	2-1-2010	635-019-0090	7-25-2010	Amend(T)	9-1-2010
635-012-0030	6-30-2011	Adopt	3-1-2010	635-019-0090(T)	7-11-2010	Suspend	8-1-2010
635-012-0040	6-30-2011	Adopt	2-1-2010	635-019-0090(T)	7-25-2010	Suspend	9-1-2010
635-012-0050	6-30-2011	Adopt	2-1-2010	635-021-0080	1-1-2010	Amend	1-1-2010
635-012-0050	6-30-2011	Adopt	3-1-2010	635-021-0090	1-1-2010	Amend	1-1-2010
635-012-0060	6-30-2011	Adopt	2-1-2010	635-021-0090	5-1-2010	Amend(T)	6-1-2010
635-012-0060	6-30-2011	Adopt	3-1-2010	635-021-0090	5-22-2010	Amend(T)	6-1-2010

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635-021-0090	6-11-2010	Amend(T)	7-1-2010	635-041-0020	4-15-2010	Amend(T)	5-1-2010
635-021-0090(T)	5-22-2010	Suspend	7-1-2010	635-041-0025	4-15-2010	Amend(T)	5-1-2010
635-021-0090(T)	5-22-2010	Suspend	7-1-2010	635-041-0065	2-3-2010	Amend(T)	3-1-2010
635-021-0090(T)	6-11-2010	Suspend	7-1-2010	635-041-0065	2-11-2010	Amend(T)	3-1-2010
635-023-0080	1-1-2010	Amend	1-1-2010	635-041-0065	2-26-2010	Amend(T)	4-1-2010
635-023-0090	1-1-2010	Amend	1-1-2010	635-041-0065	3-3-2010	Amend(T)	4-1-2010
635-023-0090	1-1-2010	Amend(T)	2-1-2010	635-041-0065(T)	2-11-2010	Suspend	3-1-2010
635-023-0090	3-11-2010	Amend(T)	4-1-2010	635-041-0065(T)	2-26-2010	Suspend	4-1-2010
635-023-0090(T)	3-11-2010	Suspend	4-1-2010	635-041-0065(T)	3-3-2010	Suspend	4-1-2010
635-023-0095	1-1-2010	Amend	1-1-2010	635-041-0075	8-1-2010	Amend(T)	9-1-2010
635-023-0095	2-21-2010	Amend(T)	4-1-2010	635-041-0076	4-27-2010	Amend(T)	6-1-2010
635-023-0095	3-1-2010	Amend(T)	4-1-2010	635-041-0076	4-29-2010	Amend(T)	6-1-2010
635-023-0095	4-1-2010	Amend	5-1-2010	635-041-0076	5-11-2010	Amend(T)	6-1-2010
635-023-0095	4-29-2010	Amend(T)	6-1-2010	635-041-0076	5-19-2010	Amend(T)	7-1-2010
635-023-0095	5-6-2010	Amend(T)	6-1-2010	635-041-0076	5-21-2010	Amend(T)	7-1-2010
635-023-0095	6-26-2010	Amend(T)	8-1-2010	635-041-0076	6-2-2010	Amend(T)	7-1-2010
635-023-0095	7-15-2010	Amend(T)	8-1-2010	635-041-0076	6-16-2010	Amend(T)	7-1-2010
635-023-0095	8-1-2010	Amend(T)	8-1-2010	635-041-0076	6-29-2010	Amend(T)	8-1-2010
635-023-0095(T)	3-1-2010	Suspend	4-1-2010	635-041-0076	7-13-2010	Amend(T)	8-1-2010
635-023-0095(T)	4-1-2010	Repeal	5-1-2010	635-041-0076	7-20-2010	Amend(T)	9-1-2010
635-023-0095(T)	5-6-2010	Suspend	6-1-2010	635-041-0076	7-26-2010	Amend(T)	9-1-2010
635-023-0095(T)	6-26-2010	Suspend	8-1-2010	635-041-0076(T)	4-29-2010	Suspend	6-1-2010
635-023-0095(T)	7-15-2010	Suspend	8-1-2010	635-041-0076(T)	5-11-2010	Suspend	6-1-2010
635-023-0095(T)	8-1-2010	Suspend	8-1-2010	635-041-0076(T)	5-19-2010	Suspend	7-1-2010
635-023-0125	1-1-2010	Amend	1-1-2010	635-041-0076(T)	5-21-2010	Suspend	7-1-2010
635-023-0125	3-1-2010	Amend(T)	4-1-2010	635-041-0076(T)	6-2-2010	Suspend	7-1-2010
635-023-0125	3-2-2010	Amend(T)	4-1-2010	635-041-0076(T)	6-16-2010	Suspend	7-1-2010
635-023-0125	4-24-2010	Amend(T)	6-1-2010	635-041-0076(T)	6-29-2010	Suspend	8-1-2010
635-023-0125	4-29-2010	Amend(T)	6-1-2010	635-041-0076(T)	7-13-2010	Suspend	8-1-2010
635-023-0125	5-8-2010	Amend(T)	6-1-2010	635-041-0076(T)	7-20-2010	Suspend	9-1-2010
635-023-0125(T)	3-2-2010	Suspend	4-1-2010	635-041-0076(T)	7-26-2010	Suspend	9-1-2010
635-023-0125(T)	4-24-2010	Suspend	6-1-2010	635-041-0076(T)	8-1-2010	Suspend	9-1-2010
635-023-0125(T)	4-29-2010	Suspend	6-1-2010	635-042-0022	3-30-2010	Amend(T)	5-1-2010
635-023-0125(T)	5-8-2010	Suspend	6-1-2010	635-042-0022	4-7-2010	Amend(T)	5-1-2010
635-023-0125(T)	6-26-2010	Suspend	8-1-2010	635-042-0022(T)	4-7-2010	Suspend	5-1-2010
635-023-0128	1-1-2010	Amend	1-1-2010	635-042-0027	6-17-2010	Amend(T)	7-1-2010
635-023-0128	6-16-2010	Amend	7-1-2010	635-042-0031	8-3-2010	Amend(T)	9-1-2010
635-023-0128	6-26-2010	Amend(T)	8-1-2010	635-042-0110	4-1-2010	Amend	5-1-2010
635-023-0130	1-1-2010	Amend	1-1-2010	635-042-0130	1-1-2010	Amend(T)	2-1-2010
635-023-0130	6-16-2010	Amend	7-1-2010	635-042-0130	2-8-2010	Amend(T)	3-1-2010
635-023-0134	1-1-2010	Amend	1-1-2010	635-042-0130	3-11-2010	Amend(T)	4-1-2010
635-023-0134	4-24-2010	Amend(T)	5-1-2010	635-042-0130(T)	2-8-2010	Suspend	3-1-2010
635-023-0134	7-31-2010	Amend(T)	9-1-2010	635-042-0130(T)	3-11-2010	Suspend	4-1-2010
635-023-0134(T)	7-31-2010	Suspend	9-1-2010	635-042-0135	1-1-2010	Amend(T)	2-1-2010
635-039-0080	1-1-2010	Amend	1-1-2010	635-042-0145	2-22-2010	Amend(T)	4-1-2010
635-039-0080	3-15-2010	Amend	4-1-2010	635-042-0145	2-26-2010	Amend(T)	4-1-2010
635-039-0080	4-1-2010	Amend	5-1-2010	635-042-0145	3-14-2010	Amend(T)	4-1-2010
635-039-0085	3-15-2010	Amend	4-1-2010	635-042-0145	3-24-2010	Amend(T)	5-1-2010
635-039-0085	4-1-2010	Amend	5-1-2010	635-042-0145	4-1-2010	Amend(T)	5-1-2010
635-039-0085	7-17-2010	Amend(T)	8-1-2010	635-042-0145	4-21-2010	Amend(T)	6-1-2010
635-039-0085	8-13-2010	Amend(T)	9-1-2010	635-042-0145	5-4-2010	Amend(T)	6-1-2010
635-039-0085(T)	8-13-2010	Suspend	9-1-2010	635-042-0145	5-11-2010	Amend(T)	6-1-2010
635-039-0090	1-1-2010	Amend	1-1-2010	635-042-0145	5-18-2010	Amend(T)	7-1-2010
635-039-0090	7-23-2010	Amend(T)	9-1-2010	635-042-0145	8-4-2010	Amend(T)	9-1-2010
635-041-0005	4-15-2010	Amend(T)	5-1-2010	635-042-0145(T)	2-26-2010	Suspend	4-1-2010

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635-042-0145(T)	3-24-2010	Suspend	5-1-2010	635-050-0140	6-15-2010	Amend	7-1-2010
635-042-0145(T)	4-1-2010	Suspend	5-1-2010	635-050-0150	6-15-2010	Amend	7-1-2010
635-042-0145(T)	4-21-2010	Suspend	6-1-2010	635-050-0170	6-15-2010	Amend	7-1-2010
635-042-0145(T)	5-4-2010	Suspend	6-1-2010	635-050-0183	6-15-2010	Amend	7-1-2010
635-042-0145(T)	5-11-2010	Suspend	6-1-2010	635-050-0189	6-15-2010	Amend	7-1-2010
635-042-0145(T)	5-18-2010	Suspend	7-1-2010	635-051-0000	8-13-2010	Amend	9-1-2010
635-042-0160	2-21-2010	Amend(T)	4-1-2010	635-051-0001	8-13-2010	Amend	9-1-2010
635-042-0160	4-21-2010	Amend(T)	6-1-2010	635-052-0000	8-13-2010	Amend	9-1-2010
635-042-0160	5-4-2010	Amend(T)	6-1-2010	635-053-0000	8-13-2010	Amend	9-1-2010
635-042-0160	5-11-2010	Amend(T)	6-1-2010	635-053-0015	8-13-2010	Amend	9-1-2010
635-042-0160	5-18-2010	Amend(T)	7-1-2010	635-053-0025	8-13-2010	Amend	9-1-2010
635-042-0160	8-4-2010	Amend(T)	9-1-2010	635-054-0000	8-13-2010	Amend	9-1-2010
635-042-0160(T)	4-21-2010	Suspend	6-1-2010	635-055-0000	12-15-2009	Amend	1-1-2010
635-042-0160(T)	5-4-2010	Suspend	6-1-2010	635-055-0035	12-15-2009	Amend	1-1-2010
635-042-0160(T)	5-11-2010	Suspend	6-1-2010	635-055-0037	12-15-2009	Amend	1-1-2010
635-042-0160(T)	5-18-2010	Suspend	7-1-2010	635-055-0070	12-15-2009	Amend	1-1-2010
635-042-0170	4-19-2010	Amend(T)	4-1-2010	635-058-0000	1-12-2010	Adopt	2-1-2010
635-042-0170	4-21-2010	Amend(T)	6-1-2010	635-058-0010	1-12-2010	Adopt	2-1-2010
635-042-0170	5-4-2010	Amend(T)	6-1-2010	635-058-0020	1-12-2010	Adopt	2-1-2010
635-042-0170	5-11-2010	Amend(T)	6-1-2010	635-059-0000	1-12-2010	Adopt	2-1-2010
635-042-0170	5-18-2010	Amend(T)	7-1-2010	635-059-0010	1-12-2010	Adopt	2-1-2010
635-042-0170	8-4-2010	Amend(T)	9-1-2010	635-059-0050	1-12-2010	Adopt	2-1-2010
635-042-0170(T)	4-21-2010	Suspend	6-1-2010	635-060-0000	8-13-2010	Amend	9-1-2010
635-042-0170(T)	5-4-2010	Suspend	6-1-2010	635-060-0030	5-12-2010	Amend(T)	6-1-2010
635-042-0170(T)	5-11-2010	Suspend	6-1-2010	635-060-0055	8-13-2010	Amend	9-1-2010
635-042-0170(T)	5-18-2010	Suspend	7-1-2010	635-065-0015	3-3-2010	Amend(T)	4-1-2010
635-042-0180	2-22-2010	Amend(T)	4-1-2010	635-065-0015	5-12-2010	Amend(T)	6-1-2010
635-042-0180	4-1-2010	Amend(T)	5-1-2010	635-065-0015	5-18-2010	Amend(T)	7-1-2010
635-042-0180	4-21-2010	Amend(T)	6-1-2010	635-065-0015	6-15-2010	Amend	7-1-2010
635-042-0180	5-4-2010	Amend(T)	6-1-2010	635-065-0015(T)	5-12-2010	Suspend	6-1-2010
635-042-0180	5-11-2010	Amend(T)	6-1-2010	635-065-0015(T)	5-18-2010	Suspend	7-1-2010
635-042-0180	5-18-2010	Amend(T)	7-1-2010	635-065-0015(T)	6-15-2010	Repeal	7-1-2010
635-042-0180	8-4-2010	Amend(T)	9-1-2010	635-065-0765	1-25-2010	Amend(T)	3-1-2010
635-042-0180(T)	4-1-2010	Suspend	5-1-2010	635-065-0765	2-26-2010	Amend(T)	4-1-2010
635-042-0180(T)	4-21-2010	Suspend	6-1-2010	635-065-0765	3-30-2010	Amend(T)	5-1-2010
635-042-0180(T)	5-4-2010	Suspend	6-1-2010	635-065-0765	6-15-2010	Amend	7-1-2010
635-042-0180(T)	5-11-2010	Suspend	6-1-2010	635-065-0765(T)	6-15-2010	Repeal	7-1-2010
635-042-0180(T)	5-18-2010	Suspend	7-1-2010	635-067-0000	6-15-2010	Amend	7-1-2010
635-043-0051	6-2-2010	Amend(T)	7-1-2010	635-067-0000	6-21-2010	Amend(T)	8-1-2010
635-043-0051	7-9-2010	Amend(T)	8-1-2010	635-067-0016	6-15-2010	Repeal	7-1-2010
635-043-0051(T)	7-9-2010	Suspend	8-1-2010	635-068-0000	3-1-2010	Amend	4-1-2010
635-043-0105	1-12-2010	Amend	2-1-2010	635-068-0000	6-15-2010	Amend	7-1-2010
635-044-0051	1-1-2010	Adopt(T)	2-1-2010	635-069-0000	2-1-2010	Amend	2-1-2010
635-044-0051	5-17-2010	Adopt	7-1-2010	635-069-0000	6-15-2010	Amend	7-1-2010
635-044-0051(T)	5-17-2010	Repeal	7-1-2010	635-070-0000	4-1-2010	Amend	4-1-2010
635-045-0000	8-13-2010	Amend	9-1-2010	635-070-0000	4-1-2010	Amend	4-1-2010
635-048-0080	12-15-2009	Amend	1-1-2010	635-070-0000	6-15-2010	Amend	7-1-2010
635-050-0045	6-15-2010	Amend	7-1-2010	635-071-0000	4-1-2010	Amend	4-1-2010
635-050-0050	6-15-2010	Amend	7-1-2010	635-071-0000	4-1-2010	Amend	4-1-2010
635-050-0070	6-15-2010	Amend	7-1-2010	635-071-0000	6-15-2010	Amend	7-1-2010
635-050-0080	6-15-2010	Amend	7-1-2010	635-073-0000	2-1-2010	Amend	2-1-2010
635-050-0090	6-15-2010	Amend	7-1-2010	635-073-0000	6-15-2010	Amend	7-1-2010
635-050-0100	6-15-2010	Amend	7-1-2010	635-073-0065	2-1-2010	Amend	2-1-2010
635-050-0110	6-15-2010	Amend	7-1-2010	635-073-0070	2-1-2010	Amend	2-1-2010
635-050-0120	6-15-2010	Amend	7-1-2010	635-073-0076	6-15-2010	Adopt	7-1-2010

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635-075-0020	6-15-2010	Amend	7-1-2010	660-041-0170	5-7-2010	Amend(T)	6-1-2010
635-090-0030	1-1-2010	Amend	1-1-2010	660-041-0170	8-9-2010	Amend	9-1-2010
635-090-0050	1-1-2010	Amend	1-1-2010	660-041-0180	8-9-2010	Adopt	9-1-2010
635-110-0010	6-29-2010	Amend(T)	8-1-2010	660-043-0100	5-13-2010	Adopt	6-1-2010
635-200-0030	6-15-2010	Amend	7-1-2010	661-001-0000	7-1-2010	Amend	8-1-2010
635-500-03470	8-10-2010	Amend	9-1-2010	661-010-0000	7-1-2010	Amend	8-1-2010
635-500-0703	1-1-2010	Amend	2-1-2010	661-010-0015	1-1-2010	Amend	2-1-2010
635-500-0810	8-10-2010	Amend	9-1-2010	661-010-0015	7-1-2010	Amend	8-1-2010
635-500-0820	8-10-2010	Amend	9-1-2010	661-010-0021	7-1-2010	Amend	8-1-2010
635-500-0830	8-10-2010	Amend	9-1-2010	661-010-0025	7-1-2010	Amend	8-1-2010
635-500-0850	8-10-2010	Amend	9-1-2010	661-010-0026	7-1-2010	Amend	8-1-2010
635-500-0860	8-10-2010	Amend	9-1-2010	661-010-0030	7-1-2010	Amend	8-1-2010
635-500-1662	8-10-2010	Amend	9-1-2010	661-010-0035	7-1-2010	Amend	8-1-2010
635-500-3420	8-10-2010	Amend	9-1-2010	661-010-0038	1-1-2010	Amend	2-1-2010
635-500-3430	8-10-2010	Amend	9-1-2010	661-010-0039	7-1-2010	Amend	8-1-2010
635-500-3440	8-10-2010	Amend	9-1-2010	661-010-0040	7-1-2010	Amend	8-1-2010
635-500-3450	8-10-2010	Amend	9-1-2010	661-010-0050	1-1-2010	Amend	2-1-2010
635-500-3460	8-10-2010	Amend	9-1-2010	661-010-0050	7-1-2010	Amend	8-1-2010
635-500-6550	2-8-2010	Adopt	3-1-2010	661-010-0052	7-1-2010	Amend	8-1-2010
635-500-6575	8-10-2010	Adopt	9-1-2010	661-010-0055	7-1-2010	Amend	8-1-2010
635-600-0000	1-1-2010	Amend	1-1-2010	661-010-0065	7-1-2010	Amend	8-1-2010
635-600-0005	1-1-2010	Amend	1-1-2010	661-010-0067	7-1-2010	Amend	8-1-2010
635-600-0010	1-1-2010	Amend	1-1-2010	661-010-0075	7-1-2010	Amend	8-1-2010
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641-010-0005	7-1-2010	Amend	7-1-2010	678-030-0000	7-15-2010	Amend	8-1-2010
642-010-0010	7-1-2010	Amend	7-1-2010	678-030-0010	7-15-2010	Amend	8-1-2010
645-010-0015	2-23-2010	Amend(T)	4-1-2010	678-030-0020	7-15-2010	Amend	8-1-2010
647-010-0010	7-1-2010	Amend	6-1-2010	678-030-0025	7-15-2010	Adopt	8-1-2010
658-040-0005	7-1-2010	Amend	8-1-2010	678-030-0027	7-15-2010	Adopt	8-1-2010
660-027-0070	4-30-2010	Amend	6-1-2010	678-030-0030	7-15-2010	Amend	8-1-2010
660-028-0010	1-28-2010	Adopt	3-1-2010	690-020-0021	1-1-2010	Am. & Ren.	1-1-2010
660-028-0020	1-28-2010	Adopt	3-1-2010	690-020-0022	1-1-2010	Amend	1-1-2010
660-028-0030	1-28-2010	Adopt	3-1-2010	690-020-0025	1-1-2010	Amend	1-1-2010
660-033-0120	12-7-2009	Amend	1-1-2010	690-020-0029	1-1-2010	Amend	1-1-2010
660-033-0120	6-17-2010	Amend	8-1-2010	690-020-0035	1-1-2010	Amend	1-1-2010
660-033-0130	12-7-2009	Amend	1-1-2010	690-020-0039	1-1-2010	Am. & Ren.	1-1-2010
660-033-0130	6-17-2010	Amend	8-1-2010	690-020-0100	1-1-2010	Adopt	1-1-2010
660-033-0130	6-17-2010	Amend(T)	8-1-2010	690-020-0200	1-1-2010	Adopt	1-1-2010
660-036-0005	11-25-2009	Adopt	1-1-2010	690-180-0005	11-23-2009	Suspend	1-1-2010
660-041-0000	2-9-2010	Amend	3-1-2010	690-180-0010	11-23-2009	Suspend	1-1-2010
660-041-0000	5-7-2010	Amend(T)	6-1-2010	690-180-0100	11-23-2009	Suspend	1-1-2010
660-041-0000	8-9-2010	Amend	9-1-2010	690-180-0200	11-23-2009	Suspend	1-1-2010
660-041-0010	5-7-2010	Amend(T)	6-1-2010	690-190-0005	11-23-2009	Adopt	1-1-2010
660-041-0010	8-9-2010	Amend	9-1-2010	690-190-0010	11-23-2009	Adopt	1-1-2010
660-041-0020	2-9-2010	Amend	3-1-2010	690-190-0100	11-23-2009	Adopt	1-1-2010
660-041-0080	2-9-2010	Amend	3-1-2010	690-190-0200	11-23-2009	Adopt	1-1-2010
660-041-0080	5-7-2010	Amend(T)	6-1-2010	690-340-0030	12-15-2009	Amend	1-1-2010
660-041-0080	8-9-2010	Amend	9-1-2010	690-382-0400	12-15-2009	Amend	1-1-2010
660-041-0090	5-7-2010	Amend(T)	6-1-2010	690-522-0010	6-9-2010	Adopt	7-1-2010
660-041-0090	8-9-2010	Amend	9-1-2010	690-522-0020	6-9-2010	Adopt	7-1-2010
660-041-0105	5-7-2010	Adopt(T)	6-1-2010	690-522-0030	6-9-2010	Adopt	7-1-2010
660-041-0110	5-7-2010	Amend(T)	6-1-2010	690-522-0040	6-9-2010	Adopt	7-1-2010
660-041-0110	8-9-2010	Amend	9-1-2010	690-522-0050	6-9-2010	Adopt	7-1-2010
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731-005-0410(T)	5-18-2010	Repeal	7-1-2010	731-146-0010	5-18-2010	Amend	7-1-2010
731-005-0470	1-1-2010	Amend(T)	2-1-2010	731-146-0010(T)	5-18-2010	Repeal	7-1-2010
731-005-0470	5-18-2010	Amend	7-1-2010	731-147-0010	1-1-2010	Amend(T)	2-1-2010
731-005-0470(T)	5-18-2010	Repeal	7-1-2010	731-147-0010	5-18-2010	Amend	7-1-2010
731-005-0670	1-1-2010	Amend(T)	2-1-2010	731-147-0010(T)	5-18-2010	Repeal	7-1-2010
731-005-0670	5-18-2010	Amend	7-1-2010	731-148-0010	1-1-2010	Amend(T)	2-1-2010
731-005-0670(T)	5-18-2010	Repeal	7-1-2010	731-148-0010	5-18-2010	Amend	7-1-2010
731-007-0210	1-1-2010	Amend(T)	2-1-2010	731-148-0010(T)	5-18-2010	Repeal	7-1-2010
731-007-0210	5-18-2010	Amend	7-1-2010	731-149-0010	1-1-2010	Amend(T)	2-1-2010
731-007-0210(T)	5-18-2010	Repeal	7-1-2010	731-149-0010	5-18-2010	Amend	7-1-2010
731-007-0260	1-1-2010	Amend(T)	2-1-2010	731-149-0010(T)	5-18-2010	Repeal	7-1-2010
731-007-0260	5-18-2010	Amend	7-1-2010	732-005-0000	1-29-2010	Amend	3-1-2010
731-007-0260(T)	5-18-2010	Repeal	7-1-2010	732-005-0000(T)	1-29-2010	Repeal	3-1-2010
731-007-0290	1-1-2010	Amend(T)	2-1-2010	732-005-0010	1-29-2010	Amend	3-1-2010
731-007-0290	5-18-2010	Amend	7-1-2010	732-005-0010(T)	1-29-2010	Repeal	3-1-2010
731-007-0290(T)	5-18-2010	Repeal	7-1-2010	732-005-0016	1-29-2010	Amend	3-1-2010
731-035-0020	11-17-2009	Amend	1-1-2010	732-005-0016(T)	1-29-2010	Repeal	3-1-2010
731-035-0020	7-30-2010	Amend	9-1-2010	732-005-0021	1-29-2010	Amend	3-1-2010
731-035-0040	7-30-2010	Amend	9-1-2010	732-005-0021(T)	1-29-2010	Repeal	3-1-2010
731-035-0050	11-17-2009	Amend	1-1-2010	732-005-0027	1-29-2010	Amend	3-1-2010
731-035-0060	11-17-2009	Amend	1-1-2010	732-005-0027(T)	1-29-2010	Repeal	3-1-2010
731-035-0060	7-30-2010	Amend	9-1-2010	732-005-0031	1-29-2010	Amend	3-1-2010
731-035-0070	11-17-2009	Amend	1-1-2010	732-005-0031(T)	1-29-2010	Repeal	3-1-2010
731-035-0070	7-30-2010	Amend	9-1-2010	732-005-0036	1-29-2010	Amend	3-1-2010
731-035-0080	7-30-2010	Amend	9-1-2010	732-005-0036(T)	1-29-2010	Repeal	3-1-2010
731-070-0010	12-22-2009	Amend	2-1-2010	732-005-0046	1-29-2010	Amend	3-1-2010
731-070-0020	12-22-2009	Amend	2-1-2010	732-005-0046(T)	1-29-2010	Repeal	3-1-2010
731-070-0030	12-22-2009	Amend	2-1-2010	732-005-0051	1-29-2010	Amend	3-1-2010
731-070-0050	12-22-2009	Amend	2-1-2010	732-005-0051(T)	1-29-2010	Repeal	3-1-2010
731-070-0055	12-22-2009	Amend	2-1-2010	732-005-0056	1-29-2010	Amend	3-1-2010
731-070-0060	12-22-2009	Amend	2-1-2010	732-005-0056(T)	1-29-2010	Repeal	3-1-2010
731-070-0070	12-22-2009	Am. & Ren.	2-1-2010	732-005-0061	1-29-2010	Amend	3-1-2010
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731-070-0110	12-22-2009	Amend	2-1-2010	732-005-0066	1-29-2010	Amend	3-1-2010
731-070-0120	12-22-2009	Amend	2-1-2010	732-005-0066(T)	1-29-2010	Repeal	3-1-2010
731-070-0130	12-22-2009	Amend	2-1-2010	732-005-0076	1-29-2010	Amend	3-1-2010
731-070-0140	12-22-2009	Amend	2-1-2010	732-005-0076(T)	1-29-2010	Repeal	3-1-2010
731-070-0160	12-22-2009	Amend	2-1-2010	732-005-0081	1-29-2010	Amend	3-1-2010
731-070-0170	12-22-2009	Amend	2-1-2010	732-005-0081(T)	1-29-2010	Repeal	3-1-2010
731-070-0180	12-22-2009	Amend	2-1-2010	732-030-0005	1-29-2010	Adopt	3-1-2010
731-070-0190	12-22-2009	Amend	2-1-2010	732-030-0005(T)	1-29-2010	Repeal	3-1-2010
731-070-0200	12-22-2009	Amend	2-1-2010	732-030-0010	1-29-2010	Adopt	3-1-2010
731-070-0210	12-22-2009	Amend	2-1-2010	732-030-0010(T)	1-29-2010	Repeal	3-1-2010
731-070-0220	12-22-2009	Amend	2-1-2010	732-030-0015	1-29-2010	Adopt	3-1-2010
731-070-0240	12-22-2009	Amend	2-1-2010	732-030-0015(T)	1-29-2010	Repeal	3-1-2010
731-070-0245	12-22-2009	Adopt	2-1-2010	732-030-0020	1-29-2010	Adopt	3-1-2010
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731-070-0260	12-22-2009	Amend	2-1-2010	732-030-0025	1-29-2010	Adopt	3-1-2010
731-070-0270	12-22-2009	Repeal	2-1-2010	732-030-0025(T)	1-29-2010	Repeal	3-1-2010
731-070-0280	12-22-2009	Amend	2-1-2010	732-030-0030	1-29-2010	Adopt	3-1-2010
731-070-0295	12-22-2009	Amend	2-1-2010	732-030-0030(T)	1-29-2010	Repeal	3-1-2010
731-070-0300	12-22-2009	Amend	2-1-2010	732-030-0035	1-29-2010	Adopt	3-1-2010
731-070-0320	12-22-2009	Amend	2-1-2010	732-030-0035(T)	1-29-2010	Repeal	3-1-2010
731-070-0350	12-22-2009	Amend	2-1-2010	733-030-0011	6-11-2010	Amend	7-1-2010
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733-030-0080	6-11-2010	Amend	7-1-2010	735-024-0130	6-17-2010	Amend	8-1-2010
733-030-0500	3-15-2010	Adopt	4-1-2010	735-024-0130(T)	6-17-2010	Repeal	8-1-2010
733-030-0510	3-15-2010	Adopt	4-1-2010	735-032-0010	2-25-2010	Amend	4-1-2010
733-030-0520	3-15-2010	Adopt	4-1-2010	735-032-0010(T)	2-25-2010	Repeal	4-1-2010
734-020-0070	8-1-2010	Amend	9-1-2010	735-032-0065	6-17-2010	Adopt(T)	8-1-2010
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734-020-0148	5-18-2010	Amend	7-1-2010	735-040-0097(T)	1-28-2010	Repeal	3-1-2010
734-020-0148(T)	5-18-2010	Repeal	7-1-2010	735-040-0098	1-28-2010	Adopt	3-1-2010
734-029-0005	7-1-2010	Amend	8-1-2010	735-040-0098(T)	1-28-2010	Repeal	3-1-2010
734-029-0010	7-1-2010	Amend	8-1-2010	735-046-0010	1-28-2010	Amend	3-1-2010
734-029-0020	7-1-2010	Amend	8-1-2010	735-046-0010(T)	1-28-2010	Repeal	3-1-2010
734-029-0030	7-1-2010	Amend	8-1-2010	735-046-0050	1-28-2010	Amend	3-1-2010
734-029-0040	7-1-2010	Amend	8-1-2010	735-046-0050(T)	1-28-2010	Repeal	3-1-2010
734-029-0045	7-1-2010	Adopt	8-1-2010	735-050-0050	1-1-2010	Amend	2-1-2010
734-030-0005	4-28-2010	Amend(T)	6-1-2010	735-050-0060	1-1-2010	Amend	2-1-2010
734-030-0010	4-28-2010	Amend(T)	6-1-2010	735-050-0062	1-1-2010	Amend	2-1-2010
734-030-0015	4-28-2010	Amend(T)	6-1-2010	735-050-0064	1-1-2010	Amend	2-1-2010
734-030-0020	4-28-2010	Amend(T)	6-1-2010	735-050-0070	1-1-2010	Amend	2-1-2010
734-035-0150	6-17-2010	Adopt	8-1-2010	735-050-0080	1-1-2010	Amend	2-1-2010
734-051-0020	7-30-2010	Amend(T)	9-1-2010	735-050-0120	1-1-2010	Amend	2-1-2010
734-051-0040	7-30-2010	Amend(T)	9-1-2010	735-062-0003	1-1-2010	Repeal	2-1-2010
734-051-0045	7-30-2010	Amend(T)	9-1-2010	735-062-0007	1-1-2010	Amend	2-1-2010
734-051-0070	7-30-2010	Amend(T)	9-1-2010	735-062-0010	1-1-2010	Amend	2-1-2010
734-051-0080	7-30-2010	Amend(T)	9-1-2010	735-062-0015	1-1-2010	Amend	2-1-2010
734-051-0135	7-30-2010	Amend(T)	9-1-2010	735-062-0016	7-30-2010	Amend	9-1-2010
734-051-0245	7-30-2010	Amend(T)	9-1-2010	735-062-0020	1-1-2010	Amend	2-1-2010
734-051-0255	7-30-2010	Amend(T)	9-1-2010	735-062-0035	1-1-2010	Amend	2-1-2010
734-051-0295	7-30-2010	Amend(T)	9-1-2010	735-062-0060	3-17-2010	Amend	5-1-2010
734-051-0315	7-30-2010	Amend(T)	9-1-2010	735-062-0070	1-28-2010	Amend	3-1-2010
734-051-0345	7-30-2010	Amend(T)	9-1-2010	735-062-0090	1-1-2010	Amend	2-1-2010
734-051-0500	7-30-2010	Amend(T)	9-1-2010	735-062-0125	1-1-2010	Amend	2-1-2010
734-051-0530	7-30-2010	Amend(T)	9-1-2010	735-062-0190	1-1-2010	Amend	2-1-2010
734-065-0005	11-17-2009	Repeal	1-1-2010	735-062-0290	1-28-2010	Adopt	3-1-2010
734-065-0010	11-17-2009	Amend	1-1-2010	735-063-0000	3-17-2010	Amend	5-1-2010
734-065-0015	11-17-2009	Amend	1-1-2010	735-063-0050	3-17-2010	Amend	5-1-2010
734-065-0020	11-17-2009	Amend	1-1-2010	735-063-0060	3-17-2010	Amend	5-1-2010
734-065-0025	11-17-2009	Amend	1-1-2010	735-063-0070	3-17-2010	Amend	5-1-2010
734-065-0030	11-17-2009	Repeal	1-1-2010	735-063-0075	3-17-2010	Amend	5-1-2010
734-065-0035	11-17-2009	Amend	1-1-2010	735-064-0100	1-1-2010	Amend	2-1-2010
734-065-0040	11-17-2009	Amend	1-1-2010	735-064-0220	1-1-2010	Amend	2-1-2010
734-065-0045	11-17-2009	Amend	1-1-2010	735-070-0000	1-1-2010	Amend	2-1-2010
734-065-0050	11-17-2009	Amend	1-1-2010	735-070-0000	4-28-2010	Amend	6-1-2010
734-074-0008	3-17-2010	Amend	5-1-2010	735-070-0043	1-1-2010	Repeal	2-1-2010
734-074-0020	3-17-2010	Amend	5-1-2010	735-070-0170	1-1-2010	Amend	2-1-2010
735-001-0050	5-18-2010	Amend	7-1-2010	735-072-0035	1-1-2010	Amend	2-1-2010
735-020-0080	1-1-2010	Amend	2-1-2010	735-080-0020	1-1-2010	Amend	2-1-2010
735-024-0015	2-25-2010	Amend	4-1-2010	735-080-0040	1-1-2010	Amend	2-1-2010
735-024-0015(T)	2-25-2010	Repeal	4-1-2010	735-080-0060	1-1-2010	Amend	2-1-2010
735-024-0025	2-25-2010	Amend	4-1-2010	735-090-0120	1-1-2010	Amend	2-1-2010
735-024-0025(T)	2-25-2010	Repeal	4-1-2010	735-090-0125	1-1-2010	Adopt	2-1-2010
735-024-0075	1-1-2010	Amend(T)	2-1-2010	735-150-0005	2-25-2010	Amend	4-1-2010
735-024-0075	6-17-2010	Amend	8-1-2010	735-150-0005(T)	2-25-2010	Repeal	4-1-2010
735-024-0075(T)	6-17-2010	Repeal	8-1-2010	735-150-0010	1-1-2010	Amend	2-1-2010
735-024-0080	1-1-2010	Suspend	2-1-2010	735-150-0020	1-1-2010	Amend	2-1-2010

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735-150-0047	1-1-2010	Adopt	2-1-2010	736-040-0055	6-16-2010	Amend	8-1-2010
735-150-0110	1-1-2010	Amend	2-1-2010	736-050-0001	2-3-2010	Amend	3-1-2010
735-158-0000	1-1-2010	Amend(T)	2-1-2010	736-050-0002	2-3-2010	Repeal	3-1-2010
735-158-0000	6-17-2010	Amend	8-1-2010	736-050-0005	2-3-2010	Repeal	3-1-2010
735-158-0000(T)	6-17-2010	Repeal	8-1-2010	736-050-0100	2-3-2010	Amend	3-1-2010
735-158-0005	1-1-2010	Amend(T)	2-1-2010	736-050-0105	2-3-2010	Amend	3-1-2010
735-158-0005	6-17-2010	Amend	8-1-2010	736-050-0110	2-3-2010	Repeal	3-1-2010
735-158-0005(T)	6-17-2010	Repeal	8-1-2010	736-050-0112	2-3-2010	Adopt	3-1-2010
735-158-0010	1-1-2010	Amend(T)	2-1-2010	736-050-0112(T)	2-3-2010	Repeal	3-1-2010
735-158-0010	6-17-2010	Amend	8-1-2010	736-050-0115	2-3-2010	Repeal	3-1-2010
735-158-0010(T)	6-17-2010	Repeal	8-1-2010	736-050-0120	2-3-2010	Amend	3-1-2010
736-004-0005	12-8-2009	Amend	1-1-2010	736-050-0120(T)	2-3-2010	Repeal	3-1-2010
736-004-0010	12-8-2009	Amend	1-1-2010	736-050-0125	2-3-2010	Amend	3-1-2010
736-004-0015	12-8-2009	Amend	1-1-2010	736-050-0125(T)	2-3-2010	Repeal	3-1-2010
736-004-0020	12-8-2009	Amend	1-1-2010	736-050-0130	2-3-2010	Repeal	3-1-2010
736-004-0025	12-8-2009	Amend	1-1-2010	736-050-0130(T)	2-3-2010	Repeal	3-1-2010
736-004-0030	12-8-2009	Amend	1-1-2010	736-050-0135	2-3-2010	Amend	3-1-2010
736-004-0035	12-8-2009	Adopt	1-1-2010	736-050-0135(T)	2-3-2010	Repeal	3-1-2010
736-004-0060	12-8-2009	Amend	1-1-2010	736-050-0140	2-3-2010	Amend	3-1-2010
736-004-0062	12-8-2009	Amend	1-1-2010	736-050-0140(T)	2-3-2010	Repeal	3-1-2010
736-004-0065	12-8-2009	Amend	1-1-2010	736-050-0150	2-3-2010	Repeal	3-1-2010
736-004-0080	12-8-2009	Repeal	1-1-2010	736-050-0150(T)	2-3-2010	Repeal	3-1-2010
736-004-0085	12-8-2009	Amend	1-1-2010	736-140-0005	12-8-2009	Adopt	1-1-2010
736-004-0090	12-8-2009	Amend	1-1-2010	736-140-0015	12-8-2009	Adopt	1-1-2010
736-004-0095	12-8-2009	Amend	1-1-2010	736-146-0010	12-4-2009	Amend	1-1-2010
736-004-0110	12-8-2009	Amend	1-1-2010	736-146-0012	12-4-2009	Amend	1-1-2010
736-004-0115	12-8-2009	Amend	1-1-2010	736-146-0015	12-4-2009	Amend	1-1-2010
736-004-0120	12-8-2009	Adopt	1-1-2010	736-146-0020	12-4-2009	Amend	1-1-2010
736-004-0125	12-8-2009	Adopt	1-1-2010	736-146-0025	12-4-2009	Repeal	1-1-2010
736-009-0005	12-8-2009	Repeal	1-1-2010	736-146-0030	12-4-2009	Repeal	1-1-2010
736-009-0006	12-8-2009	Adopt	1-1-2010	736-146-0040	12-4-2009	Repeal	1-1-2010
736-009-0010	12-8-2009	Repeal	1-1-2010	736-146-0050	12-4-2009	Amend	1-1-2010
736-009-0015	12-8-2009	Repeal	1-1-2010	736-146-0060	12-4-2009	Amend	1-1-2010
736-009-0020	12-8-2009	Amend	1-1-2010	736-146-0070	12-4-2009	Amend	1-1-2010
736-009-0021	12-8-2009	Adopt	1-1-2010	736-146-0080	12-4-2009	Amend	1-1-2010
736-009-0022	12-8-2009	Adopt	1-1-2010	736-146-0090	12-4-2009	Amend	1-1-2010
736-009-0025	12-8-2009	Amend	1-1-2010	736-146-0100	12-4-2009	Amend	1-1-2010
736-009-0030	12-8-2009	Amend	1-1-2010	736-146-0110	12-4-2009	Amend	1-1-2010
736-010-0055	2-3-2010	Amend(T)	3-1-2010	736-146-0120	12-4-2009	Amend	1-1-2010
736-010-0055	6-15-2010	Amend	7-1-2010	736-146-0130	12-4-2009	Amend	1-1-2010
736-010-0055(T)	6-15-2010	Repeal	7-1-2010	736-146-0140	12-4-2009	Amend	1-1-2010
736-015-0006	3-24-2010	Amend	5-1-2010	736-147-0010	12-4-2009	Amend	1-1-2010
736-015-0010	4-15-2010	Amend(T)	5-1-2010	736-147-0020	12-4-2009	Repeal	1-1-2010
736-015-0015	3-24-2010	Amend	5-1-2010	736-147-0030	12-4-2009	Amend	1-1-2010
736-015-0020	1-5-2010	Amend	2-1-2010	736-147-0040	12-4-2009	Adopt	1-1-2010
736-015-0020	4-15-2010	Amend(T)	5-1-2010	736-147-0050	12-4-2009	Amend	1-1-2010
736-015-0026	4-15-2010	Amend(T)	5-1-2010	736-147-0060	12-4-2009	Amend	1-1-2010
736-015-0030	1-5-2010	Amend	2-1-2010	736-147-0070	12-4-2009	Adopt	1-1-2010
736-015-0030	3-24-2010	Amend	5-1-2010	736-148-0010	12-4-2009	Amend	1-1-2010
736-015-0030	4-15-2010	Amend(T)	5-1-2010	736-148-0020	12-4-2009	Amend	1-1-2010
736-015-0035	1-5-2010	Amend	2-1-2010	736-149-0010	12-4-2009	Amend	1-1-2010
736-015-0040	1-5-2010	Amend	2-1-2010	737-010-0000	2-25-2010	Adopt	4-1-2010
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736-029-0030	6-30-2011	Adopt	3-1-2010	737-010-0010	2-25-2010	Adopt	4-1-2010
736-029-0040	6-30-2011	Adopt	3-1-2010	737-010-0010(T)	2-25-2010	Repeal	4-1-2010

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737-010-0020(T)	2-25-2010	Repeal	4-1-2010	800-025-0050	2-1-2010	Amend	3-1-2010
737-015-0020	2-25-2010	Amend(T)	4-1-2010	800-030-0035	2-1-2010	Amend	3-1-2010
737-015-0020	7-30-2010	Amend	9-1-2010	800-030-0050	2-1-2010	Amend	3-1-2010
737-015-0020(T)	7-30-2010	Repeal	9-1-2010	801-001-0035	1-1-2010	Amend	1-1-2010
737-015-0030	2-25-2010	Amend(T)	4-1-2010	801-005-0010	1-1-2010	Amend	1-1-2010
737-015-0030	7-30-2010	Amend	9-1-2010	801-010-0010	1-1-2010	Amend	1-1-2010
737-015-0030(T)	7-30-2010	Repeal	9-1-2010	801-010-0060	1-1-2010	Amend	1-1-2010
737-015-0090	2-25-2010	Amend(T)	4-1-2010	801-010-0075	1-1-2010	Amend	1-1-2010
737-015-0090	7-30-2010	Amend	9-1-2010	801-010-0080	1-1-2010	Amend	1-1-2010
737-015-0090(T)	7-30-2010	Repeal	9-1-2010	801-010-0100	1-1-2010	Amend	1-1-2010
737-015-0100	2-25-2010	Amend(T)	4-1-2010	801-010-0120	1-1-2010	Amend	1-1-2010
737-015-0100	7-30-2010	Amend	9-1-2010	801-010-0345	1-1-2010	Amend	1-1-2010
737-015-0100(T)	7-30-2010	Repeal	9-1-2010	801-020-0690	1-1-2010	Amend	1-1-2010
737-015-0110	2-25-2010	Amend(T)	4-1-2010	801-030-0020	1-1-2010	Amend	1-1-2010
737-015-0110	7-30-2010	Amend	9-1-2010	801-040-0010	1-1-2010	Amend	1-1-2010
737-015-0110(T)	7-30-2010	Repeal	9-1-2010	801-050-0005	1-1-2010	Amend	1-1-2010
738-010-0025	1-7-2010	Amend(T)	2-1-2010	801-050-0010	1-1-2010	Amend	1-1-2010
738-010-0025	7-7-2010	Amend	7-1-2010	801-050-0020	1-1-2010	Amend	1-1-2010
738-010-0035	1-7-2010	Amend(T)	2-1-2010	801-050-0030	1-1-2010	Amend	1-1-2010
738-010-0035	7-7-2010	Amend	7-1-2010	801-050-0035	1-1-2010	Amend	1-1-2010
738-015-0005	1-7-2010	Amend(T)	2-1-2010	801-050-0040	1-1-2010	Amend	1-1-2010
738-015-0005	7-7-2010	Amend	7-1-2010	801-050-0065	1-1-2010	Amend	1-1-2010
740-035-0142	7-30-2010	Adopt	9-1-2010	801-050-0070	1-1-2010	Amend	1-1-2010
740-055-0020	12-22-2009	Amend	2-1-2010	801-050-0080	1-1-2010	Amend	1-1-2010
740-100-0010	4-1-2010	Amend	5-1-2010	804-003-0000	2-17-2010	Amend	4-1-2010
740-100-0015	7-30-2010	Amend	9-1-2010	804-020-0003	12-11-2009	Amend	1-1-2010
740-100-0060	4-1-2010	Amend	5-1-2010	804-022-0000	2-17-2010	Amend	4-1-2010
740-100-0065	4-1-2010	Amend	5-1-2010	804-022-0025	12-11-2009	Adopt	1-1-2010
740-100-0070	4-1-2010	Amend	5-1-2010	804-025-0020	2-17-2010	Amend	4-1-2010
740-100-0080	4-1-2010	Amend	5-1-2010	804-030-0000	12-11-2009	Amend	1-1-2010
740-100-0085	4-1-2010	Amend	5-1-2010	804-030-0003	2-17-2010	Adopt	4-1-2010
740-100-0090	4-1-2010	Amend	5-1-2010	804-035-0010	2-17-2010	Amend	4-1-2010
740-110-0010	4-1-2010	Amend	5-1-2010	804-035-0020	2-17-2010	Amend	4-1-2010
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740-200-0045	1-1-2010	Amend	2-1-2010	804-040-0000	12-11-2009	Amend	1-1-2010
800-001-0020	2-1-2010	Amend	3-1-2010	804-040-0000	2-17-2010	Amend	4-1-2010
800-010-0015	2-1-2010	Amend	3-1-2010	806-010-0020	10-3-2010	Amend	7-1-2010
800-010-0017	2-1-2010	Amend	3-1-2010	806-010-0035	10-3-2010	Amend	7-1-2010
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800-010-0050	2-1-2010	Amend	3-1-2010	808-002-0220	1-1-2010	Amend	2-1-2010
800-015-0005	2-1-2010	Amend	3-1-2010	808-002-0500	1-1-2010	Amend	2-1-2010
800-015-0010	2-1-2010	Amend	3-1-2010	808-002-0620	1-1-2010	Amend	2-1-2010
800-015-0020	2-1-2010	Amend	3-1-2010	808-002-0775	1-1-2010	Adopt	2-1-2010
800-020-0015	2-1-2010	Amend	3-1-2010	808-002-0808	1-1-2010	Adopt	2-1-2010
800-020-0025	2-1-2010	Amend	3-1-2010	808-002-0882	1-1-2010	Adopt	2-1-2010
800-020-0065	2-1-2010	Amend	3-1-2010	808-002-0884	1-1-2010	Adopt	2-1-2010
800-025-0020	2-1-2010	Amend	3-1-2010	808-002-0885	6-1-2010	Amend	7-1-2010
800-025-0023	2-1-2010	Amend	3-1-2010	808-002-0895	1-1-2010	Adopt	2-1-2010
800-025-0025	2-1-2010	Amend	3-1-2010	808-003-0010	6-1-2010	Amend	7-1-2010
800-025-0027	2-1-2010	Amend	3-1-2010	808-003-0010	6-2-2010	Amend	7-1-2010
800-025-0029	2-1-2010	Amend	3-1-2010	808-003-0018	6-1-2010	Amend	7-1-2010
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808-003-0060	1-1-2010	Amend	2-1-2010	812-007-0050	2-1-2010	Repeal	3-1-2010
808-003-0075	1-1-2010	Amend	2-1-2010	812-007-0060	2-1-2010	Repeal	3-1-2010
808-003-0080	1-1-2010	Amend	2-1-2010	812-007-0070	2-1-2010	Repeal	3-1-2010
808-003-0085	1-1-2010	Amend	2-1-2010	812-007-0080	2-1-2010	Repeal	3-1-2010
808-003-0100	1-1-2010	Amend	2-1-2010	812-007-0090	2-1-2010	Repeal	3-1-2010
808-003-0105	1-1-2010	Repeal	2-1-2010	812-007-0100	2-1-2010	Adopt	3-1-2010
808-003-0125	1-1-2010	Amend	2-1-2010	812-007-0110	2-1-2010	Adopt	3-1-2010
808-003-0130	6-2-2010	Amend	7-1-2010	812-007-0120	2-1-2010	Adopt	3-1-2010
808-003-0130	7-20-2010	Amend(T)	9-1-2010	812-007-0130	2-1-2010	Adopt	3-1-2010
808-003-0130	8-13-2010	Amend	9-1-2010	812-007-0140	2-1-2010	Adopt	3-1-2010
808-003-0210	1-1-2010	Amend	2-1-2010	812-007-0150	2-1-2010	Adopt	3-1-2010
808-003-0235	8-13-2010	Amend	9-1-2010	812-007-0160	2-1-2010	Adopt	3-1-2010
808-003-0255	8-13-2010	Amend	9-1-2010	812-007-0200	2-1-2010	Adopt	3-1-2010
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808-003-0610	6-2-2010	Amend	7-1-2010	812-007-0210	2-1-2010	Adopt	3-1-2010
808-005-0020	1-27-2010	Amend	3-1-2010	812-007-0220	2-1-2010	Adopt	3-1-2010
808-005-0020	6-1-2010	Amend	7-1-2010	812-007-0230	2-1-2010	Adopt	3-1-2010
808-040-0020	1-27-2010	Amend	3-1-2010	812-007-0240	2-1-2010	Adopt	3-1-2010
808-040-0060	1-27-2010	Amend	3-1-2010	812-007-0250	2-1-2010	Adopt	3-1-2010
808-040-0060	6-1-2010	Amend	7-1-2010	812-007-0260	2-1-2010	Adopt	3-1-2010
809-055-0000	12-11-2009	Amend	1-1-2010	812-007-0300	2-1-2010	Adopt	3-1-2010
811-010-0071	12-22-2009	Amend	2-1-2010	812-007-0310	2-1-2010	Adopt	3-1-2010
811-010-0110	6-15-2010	Amend	7-1-2010	812-007-0310	4-28-2010	Amend	6-1-2010
811-010-0120	4-15-2010	Amend	5-1-2010	812-007-0320	2-1-2010	Adopt	3-1-2010
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812-001-0200	1-1-2010	Amend	1-1-2010	812-007-0350	4-28-2010	Amend	6-1-2010
812-001-0200	2-1-2010	Amend	3-1-2010	812-007-0360	2-1-2010	Adopt	3-1-2010
812-002-0140	7-1-2010	Amend	8-1-2010	812-007-0370	2-1-2010	Adopt	3-1-2010
812-002-0390	5-18-2010	Adopt(T)	7-1-2010	812-007-0372	2-1-2010	Adopt	3-1-2010
812-002-0740	7-1-2010	Amend	8-1-2010	812-007-0374	2-1-2010	Adopt	3-1-2010
812-003-0120	1-1-2010	Amend	1-1-2010	812-008-0070	1-1-2010	Amend	1-1-2010
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812-003-0290	6-4-2010	Amend(T)	7-1-2010	812-008-0202	1-1-2010	Amend	1-1-2010
812-003-0330	6-4-2010	Amend(T)	7-1-2010	812-009-0340	2-3-2010	Amend(T)	3-1-2010
812-004-0250	7-1-2010	Amend	8-1-2010	812-009-0340	4-28-2010	Amend	6-1-2010
812-004-0320	1-1-2010	Amend	1-1-2010	812-009-0430	7-1-2010	Amend	8-1-2010
812-004-0320	7-1-2010	Amend	8-1-2010	812-012-0110	1-1-2010	Amend	2-1-2010
812-004-0340	4-28-2010	Amend	6-1-2010	812-012-0110	4-28-2010	Amend	6-1-2010
812-004-0400	7-1-2010	Amend	8-1-2010	812-020-0055	5-18-2010	Amend(T)	7-1-2010
812-004-0550	7-1-2010	Amend	8-1-2010	812-020-0062	1-1-2010	Amend	1-1-2010
812-005-0800	2-1-2010	Amend	3-1-2010	812-020-0070	2-1-2010	Amend	3-1-2010
812-005-0800	4-28-2010	Amend	6-1-2010	812-020-0082	2-1-2010	Repeal	3-1-2010
812-005-0800	7-7-2010	Amend(T)	8-1-2010	812-021-0025	1-1-2010	Amend	2-1-2010
812-007-0000	2-1-2010	Amend	3-1-2010	812-030-0000	2-1-2010	Adopt	3-1-2010
812-007-0010	2-1-2010	Repeal	3-1-2010	812-030-0010	2-1-2010	Adopt	3-1-2010
812-007-0020	2-1-2010	Amend	3-1-2010	812-030-0100	2-1-2010	Adopt	3-1-2010
812-007-0020	3-11-2010	Amend(T)	4-1-2010	812-030-0110	2-1-2010	Adopt	3-1-2010
812-007-0020	6-1-2010	Amend(T)	7-1-2010	812-030-0200	2-1-2010	Adopt	3-1-2010
812-007-0020(T)	6-1-2010	Suspend	7-1-2010	812-030-0210	2-1-2010	Adopt	3-1-2010
812-007-0025	2-1-2010	Adopt	3-1-2010	812-030-0220	2-1-2010	Adopt	3-1-2010

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812-030-0240	2-1-2010	Adopt	3-1-2010	813-041-0027	6-10-2010	Adopt	7-1-2010
812-030-0250	2-1-2010	Adopt	3-1-2010	813-041-0027(T)	6-10-2010	Repeal	7-1-2010
812-030-0300	2-1-2010	Adopt	3-1-2010	813-041-0030	12-15-2009	Amend(T)	1-1-2010
813-001-0009	6-17-2010	Adopt	8-1-2010	813-041-0030	6-10-2010	Amend	7-1-2010
813-007-0005	1-7-2010	Adopt	2-1-2010	813-041-0030(T)	6-10-2010	Repeal	7-1-2010
813-007-0010	1-7-2010	Adopt	2-1-2010	813-041-0035	12-15-2009	Adopt(T)	1-1-2010
813-007-0015	1-7-2010	Adopt	2-1-2010	813-041-0035(T)	6-10-2010	Repeal	7-1-2010
813-007-0020	1-7-2010	Adopt	2-1-2010	813-044-0000	12-22-2009	Amend	2-1-2010
813-007-0025	1-7-2010	Adopt	2-1-2010	813-044-0010	12-22-2009	Amend	2-1-2010
813-007-0030	1-7-2010	Adopt	2-1-2010	813-044-0020	12-22-2009	Amend	2-1-2010
813-007-0035	1-7-2010	Adopt	2-1-2010	813-044-0030	12-22-2009	Amend	2-1-2010
813-007-0040	1-7-2010	Adopt	2-1-2010	813-044-0040	12-22-2009	Amend	2-1-2010
813-007-0045	1-7-2010	Adopt	2-1-2010	813-044-0050	12-22-2009	Amend	2-1-2010
813-007-0050	1-7-2010	Adopt	2-1-2010	813-044-0060	12-22-2009	Adopt	2-1-2010
813-007-0055	1-7-2010	Adopt	2-1-2010	813-055-0001	12-22-2009	Adopt	2-1-2010
813-007-0060	1-7-2010	Adopt	2-1-2010	813-055-0010	12-22-2009	Adopt	2-1-2010
813-007-0065	1-7-2010	Adopt	2-1-2010	813-055-0020	12-22-2009	Adopt	2-1-2010
813-007-0070	1-7-2010	Adopt	2-1-2010	813-055-0030	12-22-2009	Adopt	2-1-2010
813-027-0001	2-25-2010	Adopt(T)	4-1-2010	813-055-0040	12-22-2009	Adopt	2-1-2010
813-027-0010	2-25-2010	Adopt(T)	4-1-2010	813-055-0050	12-22-2009	Adopt	2-1-2010
813-027-0020	2-25-2010	Adopt(T)	4-1-2010	813-055-0060	12-22-2009	Adopt	2-1-2010
813-027-0030	2-25-2010	Adopt(T)	4-1-2010	813-055-0070	12-22-2009	Adopt	2-1-2010
813-027-0040	2-25-2010	Adopt(T)	4-1-2010	813-055-0080	12-22-2009	Adopt	2-1-2010
813-027-0050	2-25-2010	Adopt(T)	4-1-2010	813-055-0090	12-22-2009	Adopt	2-1-2010
813-027-0060	2-25-2010	Adopt(T)	4-1-2010	813-055-0100	12-22-2009	Adopt	2-1-2010
813-027-0070	2-25-2010	Adopt(T)	4-1-2010	813-055-0110	12-22-2009	Adopt	2-1-2010
813-027-0080	2-25-2010	Adopt(T)	4-1-2010	813-140-0096	1-7-2010	Amend	2-1-2010
813-027-0090	2-25-2010	Adopt(T)	4-1-2010	813-230-0000	8-12-2010	Amend(T)	9-1-2010
813-028-0001	2-25-2010	Adopt(T)	4-1-2010	813-230-0005	8-12-2010	Amend(T)	9-1-2010
813-028-0010	2-25-2010	Adopt(T)	4-1-2010	813-230-0007	8-12-2010	Adopt(T)	9-1-2010
813-028-0020	2-25-2010	Adopt(T)	4-1-2010	813-230-0015	8-12-2010	Amend(T)	9-1-2010
813-028-0030	2-25-2010	Adopt(T)	4-1-2010	813-300-0010	1-7-2010	Amend	2-1-2010
813-028-0040	2-25-2010	Adopt(T)	4-1-2010	813-300-0100	1-7-2010	Amend	2-1-2010
813-028-0050	2-25-2010	Adopt(T)	4-1-2010	817-040-0003	12-26-2009	Amend(T)	2-1-2010
813-028-0060	2-25-2010	Adopt(T)	4-1-2010	817-040-0003	4-1-2010	Amend	5-1-2010
813-028-0070	2-25-2010	Adopt(T)	4-1-2010	817-040-0003(T)	4-1-2010	Repeal	5-1-2010
813-028-0080	2-25-2010	Adopt(T)	4-1-2010	818-001-0087	7-1-2010	Amend	8-1-2010
813-028-0090	2-25-2010	Adopt(T)	4-1-2010	818-013-0001	8-6-2010	Adopt(T)	9-1-2010
813-041-0000	12-15-2009	Amend(T)	1-1-2010	818-013-0005	8-6-2010	Adopt(T)	9-1-2010
813-041-0000	6-10-2010	Amend	7-1-2010	818-013-0010	8-6-2010	Adopt(T)	9-1-2010
813-041-0000(T)	6-10-2010	Repeal	7-1-2010	818-013-0015	8-6-2010	Adopt(T)	9-1-2010
813-041-0005	12-15-2009	Amend(T)	1-1-2010	818-013-0020	8-6-2010	Adopt(T)	9-1-2010
813-041-0005	6-10-2010	Repeal	7-1-2010	818-013-0025	8-6-2010	Adopt(T)	9-1-2010
813-041-0010	12-15-2009	Amend(T)	1-1-2010	818-013-0030	8-6-2010	Adopt(T)	9-1-2010
813-041-0010	6-10-2010	Amend	7-1-2010	818-013-0035	8-6-2010	Adopt(T)	9-1-2010
813-041-0010(T)	6-10-2010	Repeal	7-1-2010	818-015-0007	7-1-2010	Amend	8-1-2010
813-041-0015	12-15-2009	Amend(T)	1-1-2010	818-021-0017	7-1-2010	Amend	8-1-2010
813-041-0015	6-10-2010	Amend	7-1-2010	818-021-0070	7-1-2010	Amend	8-1-2010
813-041-0015(T)	6-10-2010	Repeal	7-1-2010	818-026-0000	7-1-2010	Amend	8-1-2010
813-041-0020	12-15-2009	Amend(T)	1-1-2010	818-026-0010	7-1-2010	Amend	8-1-2010
813-041-0020	6-10-2010	Amend	7-1-2010	818-026-0020	7-1-2010	Amend	8-1-2010
813-041-0020	6-17-2010	Amend(T)	8-1-2010	818-026-0030	7-1-2010	Amend	8-1-2010
813-041-0020(T)	6-10-2010	Repeal	7-1-2010	818-026-0035	7-1-2010	Amend	8-1-2010
813-041-0025	12-15-2009	Amend(T)	1-1-2010	818-026-0040	7-1-2010	Amend	8-1-2010
813-041-0025	6-10-2010	Repeal	7-1-2010	818-026-0050	7-1-2010	Amend	8-1-2010

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818-026-0060	7-1-2010	Amend	8-1-2010	833-020-0051	5-3-2010	Amend	6-1-2010
818-026-0065	7-1-2010	Adopt	8-1-2010	833-020-0060	1-5-2010	Repeal	2-1-2010
818-026-0070	7-1-2010	Amend	8-1-2010	833-020-0061	1-5-2010	Adopt	2-1-2010
818-026-0080	7-1-2010	Amend	8-1-2010	833-020-0061	5-3-2010	Amend	6-1-2010
818-026-0100	7-1-2010	Repeal	8-1-2010	833-020-0071	1-5-2010	Adopt	2-1-2010
818-026-0110	7-1-2010	Amend	8-1-2010	833-020-0080	1-5-2010	Repeal	2-1-2010
818-026-0120	7-1-2010	Amend	8-1-2010	833-020-0081	1-5-2010	Adopt	2-1-2010
818-026-0130	7-1-2010	Amend	8-1-2010	833-020-0090	1-5-2010	Repeal	2-1-2010
818-035-0065	7-1-2010	Amend	8-1-2010	833-020-0091	1-5-2010	Adopt	2-1-2010
818-035-0075	7-1-2010	Repeal	8-1-2010	833-020-0100	1-5-2010	Repeal	2-1-2010
818-042-0040	7-1-2010	Amend	8-1-2010	833-020-0101	1-5-2010	Adopt	2-1-2010
820-001-0000	5-12-2010	Amend	6-1-2010	833-020-0111	1-5-2010	Repeal	2-1-2010
820-010-0212	5-12-2010	Amend	6-1-2010	833-020-0112	1-5-2010	Adopt	2-1-2010
820-010-0213	5-12-2010	Amend	6-1-2010	833-020-0120	1-5-2010	Repeal	2-1-2010
820-010-0214	5-12-2010	Amend	6-1-2010	833-020-0140	1-5-2010	Repeal	2-1-2010
820-010-0215	5-12-2010	Amend	6-1-2010	833-020-0150	1-5-2010	Repeal	2-1-2010
820-010-0305	5-12-2010	Amend	6-1-2010	833-020-0155	1-5-2010	Repeal	2-1-2010
820-010-0440	5-12-2010	Amend	6-1-2010	833-020-0160	1-5-2010	Repeal	2-1-2010
820-010-0450	5-12-2010	Amend	6-1-2010	833-020-0164	1-5-2010	Repeal	2-1-2010
820-010-0470	5-12-2010	Amend	6-1-2010	833-020-0165	1-5-2010	Repeal	2-1-2010
820-010-0530	5-12-2010	Adopt	6-1-2010	833-020-0201	1-11-2010	Adopt(T)	2-1-2010
820-010-0610	5-12-2010	Amend	6-1-2010	833-020-0201	5-3-2010	Adopt	6-1-2010
820-010-0625	5-12-2010	Amend	6-1-2010	833-020-0201(T)	5-3-2010	Repeal	6-1-2010
820-010-0635	5-12-2010	Amend	6-1-2010	833-020-0301	5-3-2010	Adopt	6-1-2010
830-011-0000	4-1-2010	Amend(T)	5-1-2010	833-025-0001	1-5-2010	Repeal	2-1-2010
830-011-0050	4-1-2010	Amend(T)	5-1-2010	833-025-0005	1-5-2010	Repeal	2-1-2010
830-020-0000	4-1-2010	Amend(T)	5-1-2010	833-025-0006	1-5-2010	Repeal	2-1-2010
830-020-0020	4-1-2010	Amend(T)	5-1-2010	833-025-0050	1-5-2010	Repeal	2-1-2010
830-020-0040	4-1-2010	Amend(T)	5-1-2010	833-025-0060	1-5-2010	Repeal	2-1-2010
830-030-0090	4-1-2010	Amend(T)	5-1-2010	833-030-0001	1-5-2010	Repeal	2-1-2010
830-040-0000	4-1-2010	Amend(T)	5-1-2010	833-030-0005	1-5-2010	Repeal	2-1-2010
830-040-0050	4-1-2010	Amend(T)	5-1-2010	833-030-0010	1-5-2010	Repeal	2-1-2010
830-060-0010	4-1-2010	Adopt(T)	5-1-2010	833-030-0011	1-5-2010	Adopt	2-1-2010
830-060-0020	4-1-2010	Adopt(T)	5-1-2010	833-030-0015	1-5-2010	Repeal	2-1-2010
833-001-0000	1-5-2010	Amend	2-1-2010	833-030-0020	1-5-2010	Repeal	2-1-2010
833-001-0005	1-5-2010	Amend	2-1-2010	833-030-0021	1-5-2010	Adopt	2-1-2010
833-001-0010	1-5-2010	Amend	2-1-2010	833-030-0021	5-3-2010	Amend	6-1-2010
833-001-0015	1-5-2010	Amend	2-1-2010	833-030-0031	1-5-2010	Adopt	2-1-2010
833-001-0020	1-5-2010	Amend	2-1-2010	833-030-0031	5-3-2010	Amend	6-1-2010
833-010-0001	1-5-2010	Amend	2-1-2010	833-030-0041	1-5-2010	Adopt	2-1-2010
833-010-0001	5-3-2010	Amend	6-1-2010	833-030-0051	1-5-2010	Adopt	2-1-2010
833-020-0001	1-5-2010	Repeal	2-1-2010	833-040-0001	1-5-2010	Repeal	2-1-2010
833-020-0010	1-5-2010	Repeal	2-1-2010	833-040-0010	1-5-2010	Repeal	2-1-2010
833-020-0011	1-5-2010	Adopt	2-1-2010	833-040-0011	1-5-2010	Adopt	2-1-2010
833-020-0015	1-5-2010	Repeal	2-1-2010	833-040-0020	1-5-2010	Repeal	2-1-2010
833-020-0020	1-5-2010	Repeal	2-1-2010	833-040-0021	1-5-2010	Adopt	2-1-2010
833-020-0021	1-5-2010	Adopt	2-1-2010	833-040-0021	5-3-2010	Amend	6-1-2010
833-020-0022	1-5-2010	Repeal	2-1-2010	833-040-0031	1-5-2010	Adopt	2-1-2010
833-020-0030	1-5-2010	Repeal	2-1-2010	833-040-0031	5-3-2010	Amend	6-1-2010
833-020-0031	1-5-2010	Adopt	2-1-2010	833-040-0041	1-5-2010	Adopt	2-1-2010
833-020-0031	5-3-2010	Amend	6-1-2010	833-040-0041	5-3-2010	Amend	6-1-2010
833-020-0040	1-5-2010	Repeal	2-1-2010	833-040-0051	1-5-2010	Adopt	2-1-2010
833-020-0041	1-5-2010	Adopt	2-1-2010	833-050-0001	1-5-2010	Repeal	2-1-2010
833-020-0041	5-3-2010	Amend	6-1-2010	833-050-0010	1-5-2010	Repeal	2-1-2010
833-020-0050	1-5-2010	Repeal	2-1-2010	833-050-0011	1-5-2010	Adopt	2-1-2010

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833-050-0020	1-5-2010	Repeal	2-1-2010	833-100-0011	1-5-2010	Adopt	2-1-2010
833-050-0021	1-5-2010	Adopt	2-1-2010	833-100-0021	1-5-2010	Adopt	2-1-2010
833-050-0021	5-3-2010	Amend	6-1-2010	833-100-0031	1-5-2010	Adopt	2-1-2010
833-050-0025	1-5-2010	Repeal	2-1-2010	833-100-0041	1-5-2010	Adopt	2-1-2010
833-050-0030	1-5-2010	Repeal	2-1-2010	833-100-0051	1-5-2010	Adopt	2-1-2010
833-050-0031	1-5-2010	Adopt	2-1-2010	833-100-0061	1-5-2010	Adopt	2-1-2010
833-050-0040	1-5-2010	Repeal	2-1-2010	833-100-0071	1-5-2010	Adopt	2-1-2010
833-050-0041	1-5-2010	Adopt	2-1-2010	833-110-0011	1-5-2010	Adopt	2-1-2010
833-050-0051	1-5-2010	Adopt	2-1-2010	833-110-0011	5-3-2010	Amend	6-1-2010
833-050-0051	5-3-2010	Amend	6-1-2010	833-110-0021	1-5-2010	Adopt	2-1-2010
833-050-0061	1-5-2010	Adopt	2-1-2010	833-120-0011	1-5-2010	Adopt	2-1-2010
833-050-0071	1-5-2010	Adopt	2-1-2010	833-120-0021	1-5-2010	Adopt	2-1-2010
833-050-0081	1-5-2010	Adopt	2-1-2010	833-120-0031	1-5-2010	Adopt	2-1-2010
833-050-0081	5-3-2010	Amend	6-1-2010	833-120-0041	1-5-2010	Adopt	2-1-2010
833-050-0081	7-1-2010	Amend	7-1-2010	833-130-0010	7-1-2010	Adopt	7-1-2010
833-050-0091	1-5-2010	Adopt	2-1-2010	833-130-0020	7-1-2010	Adopt	7-1-2010
833-050-0111	1-5-2010	Adopt	2-1-2010	833-130-0030	7-1-2010	Adopt	7-1-2010
833-050-0121	1-5-2010	Adopt	2-1-2010	833-130-0040	7-1-2010	Adopt	7-1-2010
833-050-0131	1-5-2010	Adopt	2-1-2010	833-130-0050	7-1-2010	Adopt	7-1-2010
833-050-0141	1-5-2010	Adopt	2-1-2010	833-130-0060	7-1-2010	Adopt	7-1-2010
833-050-0151	1-5-2010	Adopt	2-1-2010	833-130-0070	7-1-2010	Adopt	7-1-2010
833-050-0161	1-5-2010	Adopt	2-1-2010	834-010-0050	6-23-2010	Amend	8-1-2010
833-055-0001	7-1-2010	Suspend	7-1-2010	836-009-0007	2-1-2010	Amend	2-1-2010
833-055-0010	7-1-2010	Suspend	7-1-2010	836-009-0020	3-25-2010	Adopt	5-1-2010
833-055-0020	7-1-2010	Suspend	7-1-2010	836-009-0020(T)	3-25-2010	Repeal	5-1-2010
833-060-0011	1-5-2010	Repeal	2-1-2010	836-009-0025	3-25-2010	Adopt	5-1-2010
833-060-0012	1-5-2010	Adopt	2-1-2010	836-009-0025(T)	3-25-2010	Repeal	5-1-2010
833-060-0012	5-3-2010	Amend	6-1-2010	836-009-0030	3-25-2010	Adopt	5-1-2010
833-060-0021	1-5-2010	Repeal	2-1-2010	836-009-0030(T)	3-25-2010	Repeal	5-1-2010
833-060-0022	1-5-2010	Adopt	2-1-2010	836-009-0035	3-25-2010	Adopt	5-1-2010
833-060-0022	5-3-2010	Amend	6-1-2010	836-009-0035(T)	3-25-2010	Repeal	5-1-2010
833-060-0031	1-5-2010	Repeal	2-1-2010	836-009-0040	3-25-2010	Adopt	5-1-2010
833-060-0032	1-5-2010	Adopt	2-1-2010	836-009-0040(T)	3-25-2010	Repeal	5-1-2010
833-060-0032	5-3-2010	Amend	6-1-2010	836-010-0000	4-1-2010	Amend	5-1-2010
833-060-0041	1-5-2010	Repeal	2-1-2010	836-010-0011	4-1-2010	Amend	5-1-2010
833-060-0042	1-5-2010	Adopt	2-1-2010	836-010-0012	4-1-2010	Adopt	5-1-2010
833-060-0051	1-5-2010	Repeal	2-1-2010	836-011-0000	12-9-2009	Amend	1-1-2010
833-060-0052	1-5-2010	Adopt	2-1-2010	836-012-0300	2-5-2010	Amend	3-1-2010
833-060-0061	1-5-2010	Repeal	2-1-2010	836-012-0310	2-5-2010	Amend	3-1-2010
833-060-0071	1-5-2010	Repeal	2-1-2010	836-012-0332	2-5-2010	Adopt	3-1-2010
833-070-0011	1-5-2010	Adopt	2-1-2010	836-014-0200	1-5-2010	Amend	2-1-2010
833-070-0011	1-11-2010	Amend(T)	2-1-2010	836-014-0205	1-5-2010	Adopt	2-1-2010
833-070-0011	5-3-2010	Amend	6-1-2010	836-014-0210	1-5-2010	Amend	2-1-2010
833-070-0011(T)	5-3-2010	Repeal	6-1-2010	836-014-0220	1-5-2010	Amend	2-1-2010
833-070-0021	1-5-2010	Adopt	2-1-2010	836-014-0226	1-5-2010	Adopt	2-1-2010
833-070-0031	1-5-2010	Adopt	2-1-2010	836-014-0240	1-5-2010	Amend	2-1-2010
833-080-0011	1-5-2010	Adopt	2-1-2010	836-014-0250	1-5-2010	Amend	2-1-2010
833-080-0021	1-5-2010	Adopt	2-1-2010	836-014-0260	1-5-2010	Amend	2-1-2010
833-080-0031	1-5-2010	Adopt	2-1-2010	836-014-0263	1-5-2010	Adopt	2-1-2010
833-080-0041	1-5-2010	Adopt	2-1-2010	836-014-0265	1-5-2010	Amend	2-1-2010
833-080-0051	1-5-2010	Adopt	2-1-2010	836-014-0270	1-5-2010	Amend	2-1-2010
833-080-0061	1-5-2010	Adopt	2-1-2010	836-014-0280	1-5-2010	Amend	2-1-2010
833-090-0010	1-5-2010	Adopt	2-1-2010	836-014-0285	1-5-2010	Adopt	2-1-2010
833-090-0020	1-5-2010	Adopt	2-1-2010	836-014-0290	1-5-2010	Amend	2-1-2010
833-090-0030	1-5-2010	Adopt	2-1-2010	836-014-0300	1-5-2010	Amend	2-1-2010

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836-014-0310	1-5-2010	Amend	2-1-2010	837-040-0020	7-1-2010	Amend(T)	3-1-2010
836-014-0320	1-5-2010	Amend	2-1-2010	837-040-0140	4-1-2010	Amend	1-1-2010
836-014-0325	1-5-2010	Adopt	2-1-2010	837-040-0140	7-1-2010	Amend(T)	3-1-2010
836-042-0080	7-1-2010	Amend	6-1-2010	837-040-02020	4-1-2010	Amend	1-1-2010
836-042-0100	7-1-2010	Adopt	6-1-2010	837-046-0000	11-21-2009	Adopt	1-1-2010
836-042-0105	7-1-2010	Adopt	6-1-2010	837-046-0020	11-21-2009	Adopt	1-1-2010
836-042-0110	7-1-2010	Adopt	6-1-2010	837-046-0040	11-21-2009	Adopt	1-1-2010
836-042-0115	7-1-2010	Adopt	6-1-2010	837-046-0060	11-21-2009	Adopt	1-1-2010
836-052-1000	12-18-2009	Amend	2-1-2010	837-046-0080	11-21-2009	Adopt	1-1-2010
836-053-0000	2-16-2010	Adopt	4-1-2010	837-046-0100	11-21-2009	Adopt	1-1-2010
836-053-0081	4-22-2010	Amend(T)	6-1-2010	837-046-0120	11-21-2009	Adopt	1-1-2010
836-053-0081	7-28-2010	Amend	9-1-2010	837-046-0140	11-21-2009	Adopt	1-1-2010
836-053-0081(T)	7-28-2010	Repeal	9-1-2010	837-046-0160	11-21-2009	Adopt	1-1-2010
836-053-0465	2-16-2010	Amend	4-1-2010	837-046-0180	11-21-2009	Adopt	1-1-2010
836-053-0471	2-16-2010	Adopt	4-1-2010	837-047-0100	7-1-2010	Adopt(T)	5-1-2010
836-053-0475	2-16-2010	Adopt	4-1-2010	837-047-0110	7-1-2010	Adopt(T)	5-1-2010
836-053-0780	2-16-2010	Amend	4-1-2010	837-047-0120	7-1-2010	Adopt(T)	5-1-2010
836-053-0850	6-11-2010	Repeal	7-1-2010	837-047-0130	7-1-2010	Adopt(T)	5-1-2010
836-053-0851	6-11-2010	Adopt	7-1-2010	837-047-0140	7-1-2010	Adopt(T)	5-1-2010
836-053-0855	12-23-2009	Amend(T)	2-1-2010	837-047-0150	7-1-2010	Adopt(T)	5-1-2010
836-053-0855	1-8-2010	Amend(T)	2-1-2010	837-047-0160	7-1-2010	Adopt(T)	5-1-2010
836-053-0855	3-10-2010	Amend(T)	4-1-2010	837-047-0170	7-1-2010	Adopt(T)	5-1-2010
836-053-0855	4-26-2010	Amend(T)	6-1-2010	837-085-0020	2-1-2010	Amend	3-1-2010
836-053-0855	6-11-2010	Repeal	7-1-2010	837-085-0030	2-1-2010	Amend	3-1-2010
836-053-0855(T)	1-8-2010	Suspend	2-1-2010	837-085-0040	2-1-2010	Amend	3-1-2010
836-053-0855(T)	3-10-2010	Suspend	4-1-2010	837-085-0050	2-1-2010	Amend	3-1-2010
836-053-0855(T)	4-26-2010	Suspend	6-1-2010	837-085-0060	2-1-2010	Amend	3-1-2010
836-053-0856	6-11-2010	Adopt	7-1-2010	837-085-0070	2-1-2010	Amend	3-1-2010
836-053-0860	12-23-2009	Amend(T)	2-1-2010	837-085-0080	2-1-2010	Amend	3-1-2010
836-053-0860	1-8-2010	Amend(T)	2-1-2010	837-085-0090	2-1-2010	Amend	3-1-2010
836-053-0860	3-10-2010	Amend(T)	4-1-2010	837-085-0100	2-1-2010	Amend	3-1-2010
836-053-0860	4-26-2010	Amend(T)	6-1-2010	837-085-0110	2-1-2010	Amend	3-1-2010
836-053-0860	6-11-2010	Repeal	7-1-2010	837-085-0120	2-1-2010	Amend	3-1-2010
836-053-0860(T)	1-8-2010	Suspend	2-1-2010	837-085-0140	2-1-2010	Amend	3-1-2010
836-053-0860(T)	3-10-2010	Suspend	4-1-2010	837-085-0150	2-1-2010	Amend	3-1-2010
836-053-0860(T)	4-26-2010	Suspend	6-1-2010	837-085-0170	2-1-2010	Amend	3-1-2010
836-053-0861	6-11-2010	Adopt	7-1-2010	837-085-0180	2-1-2010	Amend	3-1-2010
836-053-0865	12-23-2009	Amend(T)	2-1-2010	837-085-0190	2-1-2010	Amend	3-1-2010
836-053-0865	1-8-2010	Amend(T)	2-1-2010	837-085-0200	2-1-2010	Amend	3-1-2010
836-053-0865	3-10-2010	Amend(T)	4-1-2010	837-085-0210	2-1-2010	Amend	3-1-2010
836-053-0865	4-26-2010	Amend(T)	6-1-2010	837-085-0220	2-1-2010	Amend	3-1-2010
836-053-0865	6-11-2010	Repeal	7-1-2010	837-085-0230	2-1-2010	Amend	3-1-2010
836-053-0865(T)	1-8-2010	Suspend	2-1-2010	837-085-0250	2-1-2010	Amend	3-1-2010
836-053-0865(T)	3-10-2010	Suspend	4-1-2010	837-085-0260	2-1-2010	Amend	3-1-2010
836-053-0865(T)	4-26-2010	Suspend	6-1-2010	837-085-0270	2-1-2010	Amend	3-1-2010
836-053-0866	6-11-2010	Adopt	7-1-2010	837-085-0280	2-1-2010	Amend	3-1-2010
836-053-0910	2-16-2010	Amend	4-1-2010	837-085-0290	2-1-2010	Amend	3-1-2010
836-054-0210	7-1-2010	Amend	6-1-2010	837-085-0300	2-1-2010	Amend	3-1-2010
836-071-0101	2-1-2010	Amend	2-1-2010	837-085-0305	2-1-2010	Amend	3-1-2010
836-071-0113	2-1-2010	Adopt	2-1-2010	837-085-0310	2-1-2010	Amend	3-1-2010
836-071-0127	2-1-2010	Amend	2-1-2010	837-085-0340	2-1-2010	Amend	3-1-2010
836-071-0130	2-1-2010	Amend	2-1-2010	837-085-0350	2-1-2010	Amend	3-1-2010
836-071-0185	2-1-2010	Amend	2-1-2010	837-085-0380	2-1-2010	Amend	3-1-2010
836-080-0240	1-1-2010	Amend	2-1-2010	837-090-1145	11-18-2009	Amend	1-1-2010
837-040-0010	4-1-2010	Amend	1-1-2010	839-001-0495	1-1-2010	Amend	1-1-2010
837-040-0010	7-1-2010	Amend(T)	3-1-2010	839-001-0496	1-1-2010	Amend	1-1-2010

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839-001-0515	1-1-2010	Amend	1-1-2010	839-006-0275	2-24-2010	Amend	4-1-2010
839-001-0520	1-1-2010	Amend	1-1-2010	839-006-0280	2-24-2010	Amend	4-1-2010
839-001-0700	1-1-2010	Amend	1-1-2010	839-006-0290	2-24-2010	Amend	4-1-2010
839-001-0750	1-1-2010	Repeal	1-1-2010	839-006-0295	2-24-2010	Amend	4-1-2010
839-002-0030	2-12-2010	Amend(T)	3-1-2010	839-006-0300	2-24-2010	Amend	4-1-2010
839-002-0030	5-5-2010	Amend	6-1-2010	839-006-0305	2-24-2010	Amend	4-1-2010
839-002-0030(T)	5-5-2010	Repeal	6-1-2010	839-006-0307	2-24-2010	Adopt	4-1-2010
839-002-0040	2-12-2010	Amend(T)	3-1-2010	839-006-0330	2-24-2010	Amend	4-1-2010
839-002-0040	5-5-2010	Amend	6-1-2010	839-006-0332	2-24-2010	Adopt	4-1-2010
839-002-0040(T)	5-5-2010	Repeal	6-1-2010	839-006-0335	2-24-2010	Amend	4-1-2010
839-002-0045	2-12-2010	Amend(T)	3-1-2010	839-006-0435	2-24-2010	Amend	4-1-2010
839-002-0045	5-5-2010	Amend	6-1-2010	839-006-0440	2-24-2010	Amend	4-1-2010
839-002-0045(T)	5-5-2010	Repeal	6-1-2010	839-006-0445	2-24-2010	Amend	4-1-2010
839-002-0050	2-12-2010	Amend(T)	3-1-2010	839-006-0450	2-24-2010	Amend	4-1-2010
839-002-0050	5-5-2010	Amend	6-1-2010	839-006-0455	2-24-2010	Amend	4-1-2010
839-002-0050(T)	5-5-2010	Repeal	6-1-2010	839-006-0460	2-24-2010	Amend	4-1-2010
839-003-0005	2-24-2010	Amend	4-1-2010	839-006-0465	2-24-2010	Amend	4-1-2010
839-003-0025	2-24-2010	Amend	4-1-2010	839-006-0470	2-24-2010	Amend	4-1-2010
839-003-0040	2-24-2010	Amend	4-1-2010	839-006-0480	2-24-2010	Adopt	4-1-2010
839-003-0200	2-24-2010	Amend	4-1-2010	839-009-0210	2-24-2010	Amend	4-1-2010
839-005-0000	2-24-2010	Amend	4-1-2010	839-009-0220	2-24-2010	Amend	4-1-2010
839-005-0003	2-24-2010	Amend	4-1-2010	839-009-0240	2-24-2010	Amend	4-1-2010
839-005-0005	2-24-2010	Amend	4-1-2010	839-009-0245	2-24-2010	Amend	4-1-2010
839-005-0010	2-24-2010	Amend	4-1-2010	839-009-0250	2-24-2010	Amend	4-1-2010
839-005-0016	2-24-2010	Renumber	4-1-2010	839-009-0260	2-24-2010	Amend	4-1-2010
839-005-0021	2-24-2010	Amend	4-1-2010	839-009-0265	2-24-2010	Adopt	4-1-2010
839-005-0035	2-24-2010	Renumber	4-1-2010	839-009-0270	2-24-2010	Amend	4-1-2010
839-005-0045	2-24-2010	Renumber	4-1-2010	839-009-0280	2-24-2010	Amend	4-1-2010
839-005-0050	2-24-2010	Renumber	4-1-2010	839-009-0290	2-24-2010	Amend	4-1-2010
839-005-0060	7-1-2010	Adopt	7-1-2010	839-009-0300	2-24-2010	Amend	4-1-2010
839-005-0065	7-1-2010	Adopt	7-1-2010	839-009-0325	2-24-2010	Amend	4-1-2010
839-005-0070	7-1-2010	Adopt	7-1-2010	839-009-0335	2-24-2010	Amend	4-1-2010
839-005-0080	7-1-2010	Adopt	7-1-2010	839-009-0340	2-24-2010	Amend	4-1-2010
839-005-0085	7-1-2010	Adopt	7-1-2010	839-009-0345	2-24-2010	Amend	4-1-2010
839-005-0138	2-24-2010	Adopt	4-1-2010	839-009-0350	2-24-2010	Amend	4-1-2010
839-005-0140	2-24-2010	Adopt	4-1-2010	839-009-0355	2-24-2010	Amend	4-1-2010
839-005-0160	2-24-2010	Adopt	4-1-2010	839-009-0360	2-24-2010	Amend	4-1-2010
839-005-0170	2-24-2010	Adopt	4-1-2010	839-009-0362	2-24-2010	Amend	4-1-2010
839-005-0195	2-24-2010	Amend	4-1-2010	839-009-0363	2-24-2010	Amend	4-1-2010
839-005-0200	2-24-2010	Amend	4-1-2010	839-009-0365	2-24-2010	Amend	4-1-2010
839-005-0205	2-24-2010	Amend	4-1-2010	839-009-0370	2-24-2010	Adopt	4-1-2010
839-005-0206	2-24-2010	Adopt	4-1-2010	839-009-0380	2-24-2010	Adopt	4-1-2010
839-005-0215	2-24-2010	Amend	4-1-2010	839-009-0390	2-24-2010	Adopt	4-1-2010
839-005-0220	2-24-2010	Amend	4-1-2010	839-009-0400	2-24-2010	Adopt	4-1-2010
839-006-0200	2-24-2010	Amend	4-1-2010	839-009-0410	2-24-2010	Adopt	4-1-2010
839-006-0202	2-24-2010	Adopt	4-1-2010	839-009-0420	2-24-2010	Adopt	4-1-2010
839-006-0205	2-24-2010	Amend	4-1-2010	839-009-0430	2-24-2010	Adopt	4-1-2010
839-006-0206	2-24-2010	Amend	4-1-2010	839-009-0440	2-24-2010	Adopt	4-1-2010
839-006-0212	2-24-2010	Amend	4-1-2010	839-009-0450	2-24-2010	Adopt	4-1-2010
839-006-0240	2-24-2010	Amend	4-1-2010	839-009-0460	2-24-2010	Adopt	4-1-2010
839-006-0242	2-24-2010	Amend	4-1-2010	839-010-0100	2-24-2010	Amend	4-1-2010
839-006-0244	2-24-2010	Amend	4-1-2010	839-010-0140	2-24-2010	Amend	4-1-2010
839-006-0250	2-24-2010	Amend	4-1-2010	839-011-0000	8-1-2010	Amend	9-1-2010
839-006-0255	2-24-2010	Amend	4-1-2010	839-011-0010	8-1-2010	Amend	9-1-2010
839-006-0265	2-24-2010	Amend	4-1-2010	839-011-0015	8-1-2010	Amend	9-1-2010
839-006-0270	2-24-2010	Amend	4-1-2010	839-011-0020	8-1-2010	Amend	9-1-2010

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839-011-0030	8-1-2010	Amend	9-1-2010	839-011-0520	8-1-2010	Adopt	9-1-2010
839-011-0040	8-1-2010	Amend	9-1-2010	839-011-0525	8-1-2010	Adopt	9-1-2010
839-011-0050	8-1-2010	Amend	9-1-2010	839-011-0530	8-1-2010	Adopt	9-1-2010
839-011-0051	8-1-2010	Adopt	9-1-2010	839-011-0535	8-1-2010	Adopt	9-1-2010
839-011-0060	8-1-2010	Amend	9-1-2010	839-011-0540	8-1-2010	Adopt	9-1-2010
839-011-0070	8-1-2010	Amend	9-1-2010	839-011-0545	8-1-2010	Adopt	9-1-2010
839-011-0072	8-1-2010	Amend	9-1-2010	839-011-0550	8-1-2010	Adopt	9-1-2010
839-011-0073	8-1-2010	Amend	9-1-2010	839-011-0555	8-1-2010	Adopt	9-1-2010
839-011-0074	8-1-2010	Amend	9-1-2010	839-011-0560	8-1-2010	Adopt	9-1-2010
839-011-0078	8-1-2010	Amend	9-1-2010	839-011-0565	8-1-2010	Adopt	9-1-2010
839-011-0082	8-1-2010	Amend	9-1-2010	839-020-0004	6-1-2010	Amend	7-1-2010
839-011-0084	8-1-2010	Amend	9-1-2010	839-020-0050	6-1-2010	Amend	7-1-2010
839-011-0086	8-1-2010	Repeal	9-1-2010	839-020-0125	6-1-2010	Amend	7-1-2010
839-011-0088	8-1-2010	Amend	9-1-2010	839-021-0070	1-1-2010	Amend	1-1-2010
839-011-0093	8-1-2010	Amend	9-1-2010	839-021-0280	1-1-2010	Amend	1-1-2010
839-011-0095	8-1-2010	Repeal	9-1-2010	839-021-0290	1-1-2010	Amend	1-1-2010
839-011-0140	8-1-2010	Amend	9-1-2010	839-025-0010	1-1-2010	Amend	1-1-2010
839-011-0141	8-1-2010	Adopt	9-1-2010	839-025-0013	1-1-2010	Amend	1-1-2010
839-011-0142	8-1-2010	Adopt	9-1-2010	839-025-0013(T)	1-1-2010	Repeal	1-1-2010
839-011-0143	8-1-2010	Adopt	9-1-2010	839-025-0015	1-1-2010	Amend	1-1-2010
839-011-0145	8-1-2010	Amend	9-1-2010	839-025-0020	1-1-2010	Amend	1-1-2010
839-011-0160	8-1-2010	Repeal	9-1-2010	839-025-0020(T)	1-1-2010	Repeal	1-1-2010
839-011-0162	8-1-2010	Amend	9-1-2010	839-025-0030	1-1-2010	Amend	1-1-2010
839-011-0170	8-1-2010	Amend	9-1-2010	839-025-0030(T)	1-1-2010	Repeal	1-1-2010
839-011-0175	8-1-2010	Amend	9-1-2010	839-025-0035	1-1-2010	Amend	1-1-2010
839-011-0200	8-1-2010	Amend	9-1-2010	839-025-0035(T)	1-1-2010	Repeal	1-1-2010
839-011-0250	8-1-2010	Amend	9-1-2010	839-025-0085	1-1-2010	Amend	1-1-2010
839-011-0260	8-1-2010	Amend	9-1-2010	839-025-0085(T)	1-1-2010	Repeal	1-1-2010
839-011-0265	8-1-2010	Amend	9-1-2010	839-025-0200	1-1-2010	Amend	1-1-2010
839-011-0270	8-1-2010	Amend	9-1-2010	839-025-0200(T)	1-1-2010	Repeal	1-1-2010
839-011-0280	8-1-2010	Amend	9-1-2010	839-025-0210	1-1-2010	Amend	1-1-2010
839-011-0290	8-1-2010	Amend	9-1-2010	839-025-0210(T)	1-1-2010	Repeal	1-1-2010
839-011-0310	8-1-2010	Amend	9-1-2010	839-025-0530	1-1-2010	Amend	1-1-2010
839-011-0320	8-1-2010	Amend	9-1-2010	839-025-0530(T)	1-1-2010	Repeal	1-1-2010
839-011-0330	8-1-2010	Repeal	9-1-2010	839-025-0700	11-23-2009	Amend	1-1-2010
839-011-0332	8-1-2010	Repeal	9-1-2010	839-025-0700	1-1-2010	Amend	2-1-2010
839-011-0334	8-1-2010	Amend	9-1-2010	839-025-0700	1-12-2010	Amend	2-1-2010
839-011-0340	8-1-2010	Repeal	9-1-2010	839-025-0700	1-13-2010	Amend	2-1-2010
839-011-0350	8-1-2010	Repeal	9-1-2010	839-025-0700	1-19-2010	Amend	3-1-2010
839-011-0360	8-1-2010	Repeal	9-1-2010	839-025-0700	1-27-2010	Amend	3-1-2010
839-011-0370	8-1-2010	Repeal	9-1-2010	839-025-0700	4-1-2010	Amend	5-1-2010
839-011-0380	8-1-2010	Repeal	9-1-2010	839-025-0700	7-1-2010	Amend	8-1-2010
839-011-0400	8-1-2010	Am. & Ren.	9-1-2010	839-050-0080	3-3-2010	Amend	4-1-2010
839-011-0401	8-1-2010	Adopt	9-1-2010	839-050-0130	3-3-2010	Amend	4-1-2010
839-011-0410	8-1-2010	Am. & Ren.	9-1-2010	839-050-0140	3-3-2010	Amend	4-1-2010
839-011-0420	8-1-2010	Am. & Ren.	9-1-2010	839-050-0150	3-3-2010	Amend	4-1-2010
839-011-0430	8-1-2010	Am. & Ren.	9-1-2010	839-050-0240	3-3-2010	Amend	4-1-2010
839-011-0440	8-1-2010	Am. & Ren.	9-1-2010	839-050-0370	3-3-2010	Amend	4-1-2010
839-011-0450	8-1-2010	Am. & Ren.	9-1-2010	839-051-0010	3-3-2010	Amend	4-1-2010
839-011-0460	8-1-2010	Repeal	9-1-2010	845-005-0413	3-1-2010	Adopt	4-1-2010
839-011-0470	8-1-2010	Repeal	9-1-2010	845-005-0414	3-1-2010	Adopt	4-1-2010
839-011-0480	8-1-2010	Am. & Ren.	9-1-2010	845-006-0340	5-1-2010	Amend	6-1-2010
839-011-0501	8-1-2010	Adopt	9-1-2010	845-006-0380	7-1-2010	Adopt	8-1-2010
839-011-0505	8-1-2010	Adopt	9-1-2010	845-007-0020	5-1-2010	Amend	6-1-2010
839-011-0510	8-1-2010	Adopt	9-1-2010	845-009-0150	7-1-2010	Adopt	8-1-2010

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845-015-0130	5-1-2010	Amend	6-1-2010	848-010-0026	3-1-2010	Amend	4-1-2010
845-020-0020	3-1-2010	Amend	4-1-2010	848-035-0020	3-1-2010	Amend	4-1-2010
845-020-0025	3-1-2010	Amend	4-1-2010	848-040-0100	3-1-2010	Amend	4-1-2010
845-020-0030	3-1-2010	Amend	4-1-2010	848-040-0147	3-1-2010	Amend	4-1-2010
847-005-0005	1-26-2010	Amend	3-1-2010	848-045-0020	3-1-2010	Amend	4-1-2010
847-005-0005(T)	1-26-2010	Repeal	3-1-2010	848-050-0100	3-1-2010	Repeal	4-1-2010
847-008-0023	1-26-2010	Amend	3-1-2010	848-050-0110	3-1-2010	Repeal	4-1-2010
847-010-0073	1-26-2010	Amend	3-1-2010	848-050-0120	3-1-2010	Repeal	4-1-2010
847-020-0100	4-26-2010	Amend	6-1-2010	850-005-0190	5-3-2010	Adopt	6-1-2010
847-020-0130	4-26-2010	Amend	6-1-2010	850-050-0120	6-30-2010	Amend	8-1-2010
847-020-0130	7-26-2010	Amend(T)	9-1-2010	850-050-0130	6-30-2010	Amend	8-1-2010
847-020-0150	4-26-2010	Amend	6-1-2010	850-060-0220	2-16-2010	Amend	4-1-2010
847-020-0160	4-26-2010	Amend	6-1-2010	850-060-0220	5-3-2010	Amend	6-1-2010
847-020-0183	4-26-2010	Amend	6-1-2010	850-060-0225	1-1-2010	Amend	1-1-2010
847-023-0010	4-26-2010	Amend	6-1-2010	850-060-0226	1-1-2010	Amend	1-1-2010
847-023-0015	4-26-2010	Amend	6-1-2010	850-060-0226	6-30-2010	Amend	8-1-2010
847-026-0000	1-26-2010	Adopt	3-1-2010	851-002-0010	1-1-2010	Amend	2-1-2010
847-026-0000(T)	1-26-2010	Repeal	3-1-2010	851-002-0010	6-25-2010	Amend	8-1-2010
847-026-0005	1-26-2010	Adopt	3-1-2010	851-002-0020	1-1-2010	Amend	2-1-2010
847-026-0005(T)	1-26-2010	Repeal	3-1-2010	851-002-0035	1-1-2010	Amend	2-1-2010
847-026-0010	1-26-2010	Adopt	3-1-2010	851-002-0040	1-1-2010	Amend	2-1-2010
847-026-0010(T)	1-26-2010	Repeal	3-1-2010	851-002-0040	6-25-2010	Amend	8-1-2010
847-026-0015	1-26-2010	Adopt	3-1-2010	851-010-0024	1-21-2010	Adopt(T)	3-1-2010
847-026-0015(T)	1-26-2010	Repeal	3-1-2010	851-010-0024	4-21-2010	Adopt	6-1-2010
847-026-0020	1-26-2010	Adopt	3-1-2010	851-010-0024(T)	4-21-2010	Repeal	6-1-2010
847-026-0020(T)	1-26-2010	Repeal	3-1-2010	851-031-0086	6-25-2010	Amend	8-1-2010
847-035-0030	1-26-2010	Amend	3-1-2010	851-045-0070	4-19-2010	Adopt(T)	6-1-2010
847-035-0030	4-26-2010	Amend(T)	6-1-2010	851-046-0000	7-1-2010	Suspend	8-1-2010
847-035-0030	7-26-2010	Amend	9-1-2010	851-046-0005	7-1-2010	Suspend	8-1-2010
847-035-0030(T)	1-26-2010	Repeal	3-1-2010	851-046-0010	7-1-2010	Suspend	8-1-2010
847-035-0030(T)	7-26-2010	Repeal	9-1-2010	851-046-0020	7-1-2010	Suspend	8-1-2010
847-050-0015	7-26-2010	Amend(T)	9-1-2010	851-046-0030	7-1-2010	Suspend	8-1-2010
847-050-0020	4-26-2010	Amend(T)	6-1-2010	851-046-0040	7-1-2010	Suspend	8-1-2010
847-050-0020	7-26-2010	Amend	9-1-2010	851-050-0000	1-1-2010	Amend	2-1-2010
847-050-0020(T)	7-26-2010	Repeal	9-1-2010	851-050-0001	1-1-2010	Amend	2-1-2010
847-050-0029	7-26-2010	Amend	9-1-2010	851-050-0002	7-1-2010	Amend	2-1-2010
847-050-0046	4-26-2010	Adopt	6-1-2010	851-050-0004	1-1-2010	Amend	2-1-2010
847-065-0000	8-3-2010	Suspend	9-1-2010	851-050-0005	1-1-2010	Amend	2-1-2010
847-065-0010	8-3-2010	Adopt(T)	9-1-2010	851-050-0006	7-1-2010	Amend	2-1-2010
847-065-0015	8-3-2010	Adopt(T)	9-1-2010	851-050-0008	1-1-2010	Adopt	2-1-2010
847-065-0020	8-3-2010	Adopt(T)	9-1-2010	851-050-0010	1-1-2010	Amend	2-1-2010
847-065-0025	8-3-2010	Adopt(T)	9-1-2010	851-050-0138	1-1-2010	Amend	2-1-2010
847-065-0030	8-3-2010	Adopt(T)	9-1-2010	851-050-0138	4-19-2010	Amend(T)	6-1-2010
847-065-0035	8-3-2010	Adopt(T)	9-1-2010	851-050-0142	1-1-2010	Adopt	2-1-2010
847-065-0040	8-3-2010	Adopt(T)	9-1-2010	851-056-0000	1-1-2010	Amend	2-1-2010
847-065-0045	8-3-2010	Adopt(T)	9-1-2010	851-056-0006	1-1-2010	Amend	2-1-2010
847-065-0050	8-3-2010	Adopt(T)	9-1-2010	851-056-0010	1-1-2010	Amend	2-1-2010
847-065-0055	8-3-2010	Adopt(T)	9-1-2010	851-056-0016	1-1-2010	Amend	2-1-2010
847-065-0060	8-3-2010	Adopt(T)	9-1-2010	851-056-0020	1-1-2010	Amend	2-1-2010
847-065-0065	8-3-2010	Adopt(T)	9-1-2010	851-056-0024	1-1-2010	Amend	2-1-2010
848-001-0005	3-1-2010	Amend	4-1-2010	851-061-0090	12-17-2009	Amend	2-1-2010
848-001-0010	3-1-2010	Amend	4-1-2010	851-062-0005	6-25-2010	Repeal	8-1-2010
848-005-0020	3-1-2010	Amend	4-1-2010	851-062-0010	6-25-2010	Amend	8-1-2010
848-005-0030	3-1-2010	Amend	4-1-2010	851-062-0015	6-25-2010	Repeal	8-1-2010
848-010-0015	3-1-2010	Amend	4-1-2010	851-062-0016	6-25-2010	Amend	8-1-2010

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851-062-0050	6-25-2010	Amend	8-1-2010	855-019-0250	6-29-2010	Amend	8-1-2010
851-062-0055	6-25-2010	Amend	8-1-2010	855-019-0300	6-29-2010	Amend	8-1-2010
851-062-0070	6-25-2010	Amend	8-1-2010	855-019-0310	6-29-2010	Amend	8-1-2010
851-062-0100	6-25-2010	Amend	8-1-2010	855-025-0020	6-29-2010	Amend	8-1-2010
851-062-0110	6-25-2010	Amend	8-1-2010	855-025-0050	6-29-2010	Amend	8-1-2010
851-063-0020	6-25-2010	Amend	8-1-2010	855-031-0005	4-30-2010	Amend	6-1-2010
851-063-0030	12-17-2009	Amend	2-1-2010	855-031-0010	4-30-2010	Amend	6-1-2010
851-063-0030	6-25-2010	Amend	8-1-2010	855-031-0015	4-30-2010	Repeal	6-1-2010
851-063-0035	12-17-2009	Amend	2-1-2010	855-031-0020	4-30-2010	Amend	6-1-2010
851-063-0035	6-25-2010	Amend	8-1-2010	855-031-0030	4-30-2010	Amend	6-1-2010
851-063-0040	6-25-2010	Repeal	8-1-2010	855-031-0033	4-30-2010	Repeal	6-1-2010
851-063-0050	6-25-2010	Repeal	8-1-2010	855-031-0040	4-30-2010	Repeal	6-1-2010
851-063-0060	6-25-2010	Repeal	8-1-2010	855-031-0045	4-30-2010	Amend	6-1-2010
851-063-0090	12-17-2009	Amend	2-1-2010	855-031-0050	4-30-2010	Amend	6-1-2010
851-063-0090	4-19-2010	Amend(T)	6-1-2010	855-031-0055	4-30-2010	Amend	6-1-2010
851-070-0000	7-1-2010	Adopt(T)	8-1-2010	855-041-0120	4-30-2010	Repeal	6-1-2010
851-070-0005	7-1-2010	Adopt(T)	8-1-2010	855-041-0125	4-30-2010	Repeal	6-1-2010
851-070-0010	7-1-2010	Adopt(T)	8-1-2010	855-041-0130	4-30-2010	Repeal	6-1-2010
851-070-0020	7-1-2010	Adopt(T)	8-1-2010	855-041-0132	4-30-2010	Repeal	6-1-2010
851-070-0030	7-1-2010	Adopt(T)	8-1-2010	855-041-0600	7-9-2010	Amend(T)	8-1-2010
851-070-0040	7-1-2010	Adopt(T)	8-1-2010	855-041-0640	7-9-2010	Adopt(T)	8-1-2010
851-070-0050	7-1-2010	Adopt(T)	8-1-2010	855-041-4000	2-8-2010	Adopt	3-1-2010
851-070-0060	7-1-2010	Adopt(T)	8-1-2010	855-041-4005	2-8-2010	Adopt	3-1-2010
851-070-0070	7-1-2010	Adopt(T)	8-1-2010	855-041-6050	4-30-2010	Adopt	6-1-2010
851-070-0080	7-1-2010	Adopt(T)	8-1-2010	855-041-6100	4-30-2010	Adopt	6-1-2010
851-070-0090	7-1-2010	Adopt(T)	8-1-2010	855-041-6150	4-30-2010	Adopt	6-1-2010
851-070-0100	7-1-2010	Adopt(T)	8-1-2010	855-041-6200	4-30-2010	Adopt	6-1-2010
852-005-0015	12-11-2009	Adopt	1-1-2010	855-041-6220	4-30-2010	Adopt	6-1-2010
852-010-0080	12-11-2009	Amend	1-1-2010	855-041-6240	4-30-2010	Adopt	6-1-2010
852-020-0035	12-11-2009	Amend	1-1-2010	855-041-6250	4-30-2010	Adopt	6-1-2010
852-020-0060	12-11-2009	Amend	1-1-2010	855-041-6260	4-30-2010	Adopt	6-1-2010
852-050-0006	12-11-2009	Amend	1-1-2010	855-041-6270	4-30-2010	Adopt	6-1-2010
855-006-0005	6-29-2010	Amend	8-1-2010	855-041-6300	4-30-2010	Adopt	6-1-2010
855-007-0010	12-24-2009	Amend	2-1-2010	855-041-6305	4-30-2010	Adopt	6-1-2010
855-007-0020	12-24-2009	Amend	2-1-2010	855-041-6310	4-30-2010	Adopt	6-1-2010
855-007-0030	12-24-2009	Amend	2-1-2010	855-041-6400	4-30-2010	Adopt	6-1-2010
855-007-0040	12-24-2009	Amend	2-1-2010	855-041-6410	4-30-2010	Adopt	6-1-2010
855-007-0050	12-24-2009	Amend	2-1-2010	855-041-6420	4-30-2010	Adopt	6-1-2010
855-007-0060	12-24-2009	Amend	2-1-2010	855-041-6500	4-30-2010	Adopt	6-1-2010
855-007-0080	12-24-2009	Amend	2-1-2010	855-041-6510	4-30-2010	Adopt	6-1-2010
855-007-0090	12-24-2009	Amend	2-1-2010	855-041-6520	4-30-2010	Adopt	6-1-2010
855-007-0100	12-24-2009	Amend	2-1-2010	855-041-6530	4-30-2010	Adopt	6-1-2010
855-007-0110	12-24-2009	Amend	2-1-2010	855-041-6540	4-30-2010	Adopt	6-1-2010
855-007-0120	12-24-2009	Amend	2-1-2010	855-041-6550	4-30-2010	Adopt	6-1-2010
855-011-0005	6-29-2010	Adopt(T)	8-1-2010	855-041-6560	4-30-2010	Adopt	6-1-2010
855-011-0020	6-29-2010	Adopt(T)	8-1-2010	855-041-6570	4-30-2010	Adopt	6-1-2010
855-011-0030	6-29-2010	Adopt(T)	8-1-2010	855-041-6600	4-30-2010	Adopt	6-1-2010
855-011-0040	6-29-2010	Adopt(T)	8-1-2010	855-041-6610	4-30-2010	Adopt	6-1-2010
855-011-0050	6-29-2010	Adopt(T)	8-1-2010	855-041-6620	4-30-2010	Adopt	6-1-2010
855-019-0100	6-29-2010	Amend	8-1-2010	855-043-0001	2-8-2010	Am. & Ren.	3-1-2010
855-019-0120	4-30-2010	Amend	6-1-2010	855-043-0003	2-8-2010	Adopt	3-1-2010
855-019-0130	4-30-2010	Amend	6-1-2010	855-043-0110	2-8-2010	Amend	3-1-2010
855-019-0150	4-30-2010	Amend	6-1-2010	855-043-0120	2-8-2010	Am. & Ren.	3-1-2010
855-019-0200	6-29-2010	Amend	8-1-2010	855-043-0130	2-8-2010	Amend	3-1-2010
855-019-0205	6-29-2010	Adopt	8-1-2010	855-043-0130	5-4-2010	Amend(T)	6-1-2010

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855-043-0300	2-8-2010	Amend	3-1-2010	858-010-0025	1-8-2010	Amend	2-1-2010
855-043-0310	2-8-2010	Amend	3-1-2010	858-010-0030	1-8-2010	Amend	2-1-2010
855-044-0001	6-29-2010	Adopt	8-1-2010	858-010-0034	1-8-2010	Adopt	2-1-2010
855-044-0005	6-29-2010	Adopt	8-1-2010	858-010-0036	1-8-2010	Amend	2-1-2010
855-044-0010	6-29-2010	Adopt	8-1-2010	858-010-0037	1-8-2010	Adopt	2-1-2010
855-044-0020	6-29-2010	Adopt	8-1-2010	858-010-0038	1-8-2010	Adopt	2-1-2010
855-044-0030	6-29-2010	Adopt	8-1-2010	858-010-0039	1-8-2010	Adopt	2-1-2010
855-044-0040	6-29-2010	Adopt	8-1-2010	858-010-0041	1-8-2010	Amend	2-1-2010
855-044-0050	6-29-2010	Adopt	8-1-2010	858-010-0050	1-8-2010	Amend	2-1-2010
855-044-0060	6-29-2010	Adopt	8-1-2010	858-010-0055	1-8-2010	Amend	2-1-2010
855-044-0070	6-29-2010	Adopt	8-1-2010	858-010-0060	1-8-2010	Amend	2-1-2010
855-044-0080	6-29-2010	Adopt	8-1-2010	858-010-0065	1-8-2010	Amend	2-1-2010
855-044-0090	6-29-2010	Adopt	8-1-2010	858-020-0015	1-8-2010	Amend	2-1-2010
855-062-0003	12-24-2009	Adopt	2-1-2010	858-020-0025	1-8-2010	Amend	2-1-2010
855-062-0003(T)	12-24-2009	Repeal	2-1-2010	858-020-0035	1-8-2010	Amend	2-1-2010
855-062-0005	12-24-2009	Adopt	2-1-2010	858-020-0045	1-8-2010	Amend	2-1-2010
855-062-0005(T)	12-24-2009	Repeal	2-1-2010	858-020-0055	1-8-2010	Amend	2-1-2010
855-062-0020	12-24-2009	Adopt	2-1-2010	858-020-0065	1-8-2010	Amend	2-1-2010
855-062-0020(T)	12-24-2009	Repeal	2-1-2010	858-020-0085	1-8-2010	Amend	2-1-2010
855-062-0030	12-24-2009	Adopt	2-1-2010	858-030-0005	1-8-2010	Amend	2-1-2010
855-062-0030(T)	12-24-2009	Repeal	2-1-2010	858-040-0015	1-8-2010	Amend	2-1-2010
855-062-0040	12-24-2009	Adopt	2-1-2010	858-040-0020	1-8-2010	Adopt	2-1-2010
855-062-0040(T)	12-24-2009	Repeal	2-1-2010	858-040-0025	1-8-2010	Amend	2-1-2010
855-062-0050	12-24-2009	Adopt	2-1-2010	858-040-0026	1-8-2010	Adopt	2-1-2010
855-062-0050(T)	12-24-2009	Repeal	2-1-2010	858-040-0035	1-8-2010	Amend	2-1-2010
855-065-0001	12-24-2009	Amend	2-1-2010	858-040-0036	1-8-2010	Amend	2-1-2010
855-065-0005	12-24-2009	Amend	2-1-2010	858-040-0055	1-8-2010	Amend	2-1-2010
855-065-0006	12-24-2009	Amend	2-1-2010	858-040-0065	1-8-2010	Amend	2-1-2010
855-080-0020	6-29-2010	Amend	8-1-2010	858-040-0075	1-8-2010	Repeal	2-1-2010
855-080-0021	6-29-2010	Amend	8-1-2010	858-040-0085	1-8-2010	Repeal	2-1-2010
855-080-0022	6-29-2010	Amend	8-1-2010	858-040-0095	1-8-2010	Repeal	2-1-2010
855-080-0028	6-29-2010	Amend	8-1-2010	858-050-0100	1-8-2010	Repeal	2-1-2010
855-080-0055	6-29-2010	Amend	8-1-2010	858-050-0105	1-8-2010	Repeal	2-1-2010
855-080-0085	6-29-2010	Amend	8-1-2010	858-050-0110	1-8-2010	Repeal	2-1-2010
855-080-0105	6-29-2010	Amend	8-1-2010	858-050-0120	1-8-2010	Repeal	2-1-2010
855-110-0003	12-24-2009	Adopt	2-1-2010	858-050-0125	1-8-2010	Repeal	2-1-2010
855-110-0003(T)	12-24-2009	Repeal	2-1-2010	858-050-0140	1-8-2010	Repeal	2-1-2010
855-110-0005	12-24-2009	Amend	2-1-2010	858-050-0145	1-8-2010	Repeal	2-1-2010
855-110-0005	5-4-2010	Amend(T)	6-1-2010	858-050-0150	1-8-2010	Repeal	2-1-2010
855-110-0005	6-29-2010	Amend	8-1-2010	860-022-0041	6-28-2010	Amend	8-1-2010
855-110-0005(T)	6-29-2010	Repeal	8-1-2010	860-033-0006	5-18-2010	Amend	7-1-2010
855-110-0007	12-24-2009	Amend	2-1-2010	860-033-0007	5-18-2010	Amend	7-1-2010
855-110-0007	6-29-2010	Amend	8-1-2010	860-033-0008	5-18-2010	Amend	7-1-2010
855-110-0010	12-24-2009	Amend	2-1-2010	860-036-0010	11-24-2009	Amend	1-1-2010
855-110-0015	3-1-2010	Amend	3-1-2010	860-036-0030	11-24-2009	Amend	1-1-2010
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856-010-0027	4-27-2010	Adopt	6-1-2010	860-084-0010	6-1-2010	Adopt	7-1-2010
858-010-0001	1-8-2010	Amend	2-1-2010	860-084-0020	6-1-2010	Adopt	7-1-2010
858-010-0005	1-8-2010	Amend	2-1-2010	860-084-0030	6-1-2010	Adopt	7-1-2010
858-010-0007	1-8-2010	Amend	2-1-2010	860-084-0040	6-1-2010	Adopt	7-1-2010
858-010-0010	1-8-2010	Amend	2-1-2010	860-084-0050	6-1-2010	Adopt	7-1-2010
858-010-0015	1-8-2010	Amend	2-1-2010	860-084-0060	6-1-2010	Adopt	7-1-2010
858-010-0016	1-8-2010	Adopt	2-1-2010	860-084-0070	6-1-2010	Adopt	7-1-2010
858-010-0017	1-8-2010	Adopt	2-1-2010	860-084-0080	6-1-2010	Adopt	7-1-2010
858-010-0018	1-8-2010	Adopt	2-1-2010	860-084-0100	6-1-2010	Adopt	7-1-2010

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860-084-0130	6-1-2010	Adopt	7-1-2010	863-015-0000	1-1-2010	Amend	1-1-2010
860-084-0140	6-1-2010	Adopt	7-1-2010	863-015-0003	1-1-2010	Amend	1-1-2010
860-084-0150	6-1-2010	Adopt	7-1-2010	863-015-0150	1-1-2010	Amend	1-1-2010
860-084-0160	6-1-2010	Adopt	7-1-2010	863-015-0186	1-1-2010	Amend	1-1-2010
860-084-0170	6-1-2010	Adopt	7-1-2010	863-015-0188	1-1-2010	Amend	1-1-2010
860-084-0180	6-1-2010	Adopt	7-1-2010	863-015-0210	1-1-2010	Amend	1-1-2010
860-084-0190	6-1-2010	Adopt	7-1-2010	863-015-0250	1-1-2010	Amend	1-1-2010
860-084-0195	6-1-2010	Adopt	7-1-2010	863-015-0255	1-1-2010	Amend	1-1-2010
860-084-0200	6-1-2010	Adopt	7-1-2010	863-015-0260	1-1-2010	Amend	1-1-2010
860-084-0210	6-1-2010	Adopt	7-1-2010	863-015-0275	1-1-2010	Amend	1-1-2010
860-084-0220	6-1-2010	Adopt	7-1-2010	863-020-0000	7-1-2010	Adopt	7-1-2010
860-084-0230	6-1-2010	Adopt	7-1-2010	863-020-0005	7-1-2010	Adopt	7-1-2010
860-084-0240	6-1-2010	Adopt	7-1-2010	863-020-0007	7-1-2010	Adopt	7-1-2010
860-084-0250	6-1-2010	Adopt	7-1-2010	863-020-0008	7-1-2010	Adopt	7-1-2010
860-084-0260	6-1-2010	Adopt	7-1-2010	863-020-0010	7-1-2010	Adopt	7-1-2010
860-084-0270	6-1-2010	Adopt	7-1-2010	863-020-0015	7-1-2010	Adopt	7-1-2010
860-084-0280	6-1-2010	Adopt	7-1-2010	863-020-0020	7-1-2010	Adopt	7-1-2010
860-084-0300	6-1-2010	Adopt	7-1-2010	863-020-0025	7-1-2010	Adopt	7-1-2010
860-084-0310	6-1-2010	Adopt	7-1-2010	863-020-0030	7-1-2010	Adopt	7-1-2010
860-084-0320	6-1-2010	Adopt	7-1-2010	863-020-0035	7-1-2010	Adopt	7-1-2010
860-084-0330	6-1-2010	Adopt	7-1-2010	863-020-0040	7-1-2010	Adopt	7-1-2010
860-084-0340	6-1-2010	Adopt	7-1-2010	863-020-0045	7-1-2010	Adopt	7-1-2010
860-084-0350	6-1-2010	Adopt	7-1-2010	863-020-0050	7-1-2010	Adopt	7-1-2010
860-084-0360	6-1-2010	Adopt	7-1-2010	863-020-0055	7-1-2010	Adopt	7-1-2010
860-084-0365	6-1-2010	Adopt	7-1-2010	863-020-0060	7-1-2010	Adopt	7-1-2010
860-084-0370	6-1-2010	Adopt	7-1-2010	863-020-0065	7-1-2010	Adopt	7-1-2010
860-084-0380	6-1-2010	Adopt	7-1-2010	863-022-0000	7-1-2010	Adopt	7-1-2010
860-084-0390	6-1-2010	Adopt	7-1-2010	863-022-0005	7-1-2010	Adopt	7-1-2010
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860-084-0420	6-1-2010	Adopt	7-1-2010	863-022-0015	7-1-2010	Adopt	7-1-2010
860-084-0430	6-1-2010	Adopt	7-1-2010	863-022-0020	7-1-2010	Adopt	7-1-2010
860-084-0440	6-1-2010	Adopt	7-1-2010	863-022-0025	7-1-2010	Adopt	7-1-2010
860-084-0450	6-1-2010	Adopt	7-1-2010	863-022-0030	7-1-2010	Adopt	7-1-2010
863-014-0000	1-1-2010	Amend	1-1-2010	863-022-0035	7-1-2010	Adopt	7-1-2010
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863-014-0005	7-1-2010	Repeal	7-1-2010	863-022-0050	7-1-2010	Adopt	7-1-2010
863-014-0010	1-1-2010	Amend	1-1-2010	863-022-0055	7-1-2010	Adopt	7-1-2010
863-014-0015	1-1-2010	Amend	1-1-2010	863-024-0000	1-1-2010	Amend	1-1-2010
863-014-0020	7-1-2010	Amend	7-1-2010	863-024-0003	1-1-2010	Amend	1-1-2010
863-014-0030	1-1-2010	Amend	1-1-2010	863-024-0005	7-1-2010	Repeal	7-1-2010
863-014-0035	7-1-2010	Amend	7-1-2010	863-024-0015	1-1-2010	Amend	1-1-2010
863-014-0038	1-1-2010	Repeal	1-1-2010	863-024-0030	1-1-2010	Amend	1-1-2010
863-014-0040	7-1-2010	Amend	7-1-2010	863-024-0045	7-1-2010	Amend	7-1-2010
863-014-0042	1-1-2010	Amend	1-1-2010	863-024-0050	7-1-2010	Amend	7-1-2010
863-014-0050	7-1-2010	Amend	7-1-2010	863-024-0055	7-1-2010	Repeal	7-1-2010
863-014-0055	1-1-2010	Amend	1-1-2010	863-024-0065	7-1-2010	Amend	7-1-2010
863-014-0055	7-1-2010	Repeal	7-1-2010	863-024-0075	1-1-2010	Amend	1-1-2010
863-014-0063	1-1-2010	Amend	1-1-2010	863-024-0085	1-1-2010	Amend	1-1-2010
863-014-0065	1-1-2010	Amend	1-1-2010	863-024-0100	1-1-2010	Amend	1-1-2010
863-014-0065	7-1-2010	Amend	7-1-2010	863-049-0000	1-1-2010	Adopt	1-1-2010
863-014-0085	1-1-2010	Amend	1-1-2010	863-049-0005	1-1-2010	Adopt	1-1-2010
863-014-0090	1-1-2010	Adopt	1-1-2010	863-049-0010	1-1-2010	Adopt	1-1-2010
863-014-0095	1-1-2010	Amend	1-1-2010	863-049-0015	1-1-2010	Adopt	1-1-2010
863-014-0100	1-1-2010	Amend	1-1-2010	863-049-0020	1-1-2010	Adopt	1-1-2010

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863-049-0035	1-1-2010	Adopt	1-1-2010	918-098-1320	4-1-2010	Amend	4-1-2010
863-049-0040	1-1-2010	Adopt	1-1-2010	918-098-1320	7-1-2010	Amend	6-1-2010
863-049-0045	1-1-2010	Adopt	1-1-2010	918-098-1325	4-1-2010	Amend	4-1-2010
863-049-0055	1-1-2010	Adopt	1-1-2010	918-098-1325	7-1-2010	Amend	6-1-2010
863-050-0035	1-1-2010	Am. & Ren.	1-1-2010	918-098-1330	4-1-2010	Amend	4-1-2010
863-050-0150	1-1-2010	Amend	1-1-2010	918-098-1330	7-1-2010	Amend	6-1-2010
863-050-0240	1-1-2010	Am. & Ren.	1-1-2010	918-098-1450	7-1-2010	Amend	6-1-2010
875-010-0045	5-6-2010	Amend	6-1-2010	918-225-0240	1-1-2010	Amend	2-1-2010
875-015-0030	5-6-2010	Amend	6-1-2010	918-225-0600	1-1-2010	Amend	2-1-2010
875-030-0010	5-6-2010	Amend	6-1-2010	918-225-0605	1-1-2010	Repeal	2-1-2010
877-010-0000	1-15-2010	Amend	2-1-2010	918-225-0610	1-1-2010	Repeal	2-1-2010
877-010-0045	1-15-2010	Amend	2-1-2010	918-225-0620	1-1-2010	Amend	2-1-2010
877-020-0009	1-15-2010	Amend	2-1-2010	918-225-0630	1-1-2010	Amend	2-1-2010
877-020-0030	1-15-2010	Amend	2-1-2010	918-251-0090	7-1-2010	Amend	6-1-2010
877-020-0057	1-15-2010	Adopt	2-1-2010	918-281-0020	7-1-2010	Amend	8-1-2010
877-025-0016	1-15-2010	Amend	2-1-2010	918-282-0400	7-1-2010	Adopt	7-1-2010
877-025-0021	1-15-2010	Amend	2-1-2010	918-305-0030	4-1-2010	Amend	4-1-2010
877-030-0040	1-15-2010	Amend	2-1-2010	918-305-0030	7-1-2010	Amend	6-1-2010
877-030-0040	7-1-2010	Amend(T)	8-1-2010	918-311-0065	7-1-2010	Amend	7-1-2010
877-035-0000	7-1-2010	Suspend	8-1-2010	918-400-0270	1-1-2010	Amend	2-1-2010
877-035-0010	7-1-2010	Suspend	8-1-2010	918-400-0280	1-1-2010	Amend	2-1-2010
877-035-0012	7-1-2010	Suspend	8-1-2010	918-400-0340	1-1-2010	Amend	2-1-2010
877-035-0013	7-1-2010	Suspend	8-1-2010	918-400-0380	1-1-2010	Amend	2-1-2010
877-035-0015	7-1-2010	Suspend	8-1-2010	918-400-0390	1-1-2010	Amend	2-1-2010
877-040-0000	7-1-2010	Amend(T)	8-1-2010	918-400-0395	1-1-2010	Amend	2-1-2010
877-040-0003	1-15-2010	Amend	2-1-2010	918-400-0445	1-1-2010	Amend	2-1-2010
877-040-0003	7-1-2010	Amend(T)	8-1-2010	918-400-0525	1-1-2010	Amend	2-1-2010
877-040-0010	7-1-2010	Amend(T)	8-1-2010	918-400-0630	1-1-2010	Amend	2-1-2010
877-040-0016	1-15-2010	Adopt	2-1-2010	918-400-0660	1-1-2010	Amend	2-1-2010
877-040-0018	7-1-2010	Adopt(T)	8-1-2010	918-400-0662	1-1-2010	Adopt	2-1-2010
918-001-0036	7-1-2010	Amend(T)	8-1-2010	918-400-0740	1-1-2010	Amend	2-1-2010
918-001-0200	5-1-2010	Repeal	6-1-2010	918-400-0800	1-1-2010	Amend	2-1-2010
918-001-0210	1-1-2010	Amend	2-1-2010	918-440-0000	7-1-2010	Amend	6-1-2010
918-005-0010	1-1-2010	Amend	2-1-2010	918-440-0010	7-1-2010	Amend	6-1-2010
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918-040-0000	1-1-2010	Amend	2-1-2010	918-440-0030	7-1-2010	Amend	6-1-2010
918-050-0850	8-3-2010	Adopt(T)	9-1-2010	918-440-0040	7-1-2010	Am. & Ren.	6-1-2010
918-098-1000	7-1-2010	Amend	6-1-2010	918-440-0050	7-1-2010	Amend	6-1-2010
918-098-1010	7-1-2010	Amend	6-1-2010	918-440-0500	7-1-2010	Amend	6-1-2010
918-098-1012	4-1-2010	Amend	4-1-2010	918-440-0510	7-1-2010	Amend	6-1-2010
918-098-1015	4-1-2010	Amend	4-1-2010	918-460-0000	7-1-2010	Amend	6-1-2010
918-098-1015	7-1-2010	Amend	6-1-2010	918-460-0010	7-1-2010	Amend	6-1-2010
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918-098-1025	7-1-2010	Amend	6-1-2010	918-460-0016	7-1-2010	Repeal	6-1-2010
918-098-1028	7-1-2010	Adopt	6-1-2010	918-460-0050	7-1-2010	Amend	6-1-2010
918-098-1210	4-1-2010	Amend	4-1-2010	918-460-0500	7-1-2010	Adopt	6-1-2010
918-098-1210	7-1-2010	Amend	6-1-2010	918-460-0510	7-1-2010	Adopt	6-1-2010
918-098-1215	4-1-2010	Amend	4-1-2010	918-480-0010	7-1-2010	Amend	6-1-2010
918-098-1215	7-1-2010	Amend	6-1-2010	918-500-0000	4-1-2010	Amend	4-1-2010
918-098-1300	4-1-2010	Amend	4-1-2010	918-500-0005	4-1-2010	Amend	4-1-2010
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918-098-1305	4-1-2010	Amend	4-1-2010	918-500-0020	4-1-2010	Am. & Ren.	4-1-2010
918-098-1305	7-1-2010	Amend	6-1-2010	918-500-0021	4-1-2010	Am. & Ren.	4-1-2010
918-098-1310	7-1-2010	Amend	6-1-2010	918-500-0035	4-1-2010	Amend	4-1-2010
918-098-1315	4-1-2010	Amend	4-1-2010	918-500-0040	4-1-2010	Amend	4-1-2010

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918-500-0105	4-1-2010	Amend	4-1-2010	918-515-0370	4-1-2010	Amend	4-1-2010
918-500-0110	4-1-2010	Amend	4-1-2010	918-515-0480	4-1-2010	Amend	4-1-2010
918-500-0300	4-1-2010	Amend	4-1-2010	918-515-0485	4-1-2010	Amend	4-1-2010
918-500-0310	4-1-2010	Amend	4-1-2010	918-515-0490	4-1-2010	Amend	4-1-2010
918-500-0320	4-1-2010	Amend	4-1-2010	918-520-0010	4-1-2010	Repeal	4-1-2010
918-500-0330	4-1-2010	Amend	4-1-2010	918-520-0015	4-1-2010	Repeal	4-1-2010
918-500-0340	4-1-2010	Amend	4-1-2010	918-520-0020	4-1-2010	Repeal	4-1-2010
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918-500-0410	4-1-2010	Amend	4-1-2010	918-520-0040	4-1-2010	Repeal	4-1-2010
918-500-0420	4-1-2010	Amend	4-1-2010	918-520-0050	4-1-2010	Repeal	4-1-2010
918-500-0430	4-1-2010	Amend	4-1-2010	918-520-0060	4-1-2010	Repeal	4-1-2010
918-500-0450	4-1-2010	Amend	4-1-2010	918-520-0070	4-1-2010	Repeal	4-1-2010
918-500-0470	4-1-2010	Amend	4-1-2010	918-520-0080	4-1-2010	Repeal	4-1-2010
918-500-0530	4-1-2010	Adopt	4-1-2010	918-520-0090	4-1-2010	Repeal	4-1-2010
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918-500-0550	4-1-2010	Adopt	4-1-2010	918-520-0110	4-1-2010	Repeal	4-1-2010
918-500-0560	4-1-2010	Adopt	4-1-2010	918-525-0042	4-1-2010	Amend	4-1-2010
918-500-0570	4-1-2010	Adopt	4-1-2010	918-600-0010	4-1-2010	Amend	4-1-2010
918-500-0580	4-1-2010	Adopt	4-1-2010	918-674-0033	7-1-2010	Amend	6-1-2010
918-500-0590	4-1-2010	Adopt	4-1-2010	918-695-0400	7-1-2010	Amend	8-1-2010
918-515-0010	4-1-2010	Amend	4-1-2010	943-001-0000	1-1-2010	Adopt	2-1-2010
918-515-0020	4-1-2010	Amend	4-1-2010	943-001-0000(T)	1-1-2010	Repeal	2-1-2010
918-515-0030	4-1-2010	Amend	4-1-2010	943-001-0010	1-1-2010	Adopt	2-1-2010
918-515-0110	4-1-2010	Amend	4-1-2010	943-001-0010(T)	1-1-2010	Repeal	2-1-2010
918-515-0150	4-1-2010	Amend	4-1-2010	943-001-0015	1-1-2010	Adopt	2-1-2010
918-515-0300	4-1-2010	Amend	4-1-2010	943-001-0015(T)	1-1-2010	Repeal	2-1-2010
918-515-0330	4-1-2010	Amend	4-1-2010	951-003-0005	4-26-2010	Amend	6-1-2010