

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Bureau of Labor and Industries, Wage and Hour Division	839-001
Agency and Division	Administrative Rules Chapter Number
Marcia Ohlemiller, Bureau of Labor and Industries, 800 NE Oregon #1045, Portland, OR, 97232	971-673-0784
Rules Coordinator	Address Telephone

RULE CAPTION

Amends wage claim enforcement, Wage Security Fund, and insurance notification rules

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing

AMEND: 839-001-0495, 839-001-0496, 839-001-0515, 839-001-0520 and 839-001-0700

REPEAL: 839-001-0750

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

Other Auth.: HB 2595 (2009)

Stats. Implemented: ORS 652.010-652.900

RULE SUMMARY

These proposed rule amendments implement House Bill (HB) 2595 enacted in 2009, which prohibits home health agencies and hospice programs from paying nurses providing home health or hospice services on a per-visit basis. HB 2595 provides civil penalty authority to the Commissioner of the Bureau of Labor and Industries for violations of its provisions. The rule amendments conform existing rules relating to the assessment of civil penalties to this legislation. In addition, the proposed rules clarify conditions to be met in qualifying for payments from the Wage Security Fund and delete obsolete references in the agency's insurance cancellation notification rules.

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

November 25, 2009

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)



Signature	Brad Avakian	October 12, 2009
	Printed name	Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice 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, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

ARC 923-2005