

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

Department of Human Services, Public Health Division

333

Agency and Division

Administrative Rules Chapter Number

Brittany Sande

800 NE Oregon St., Suite 930; Portland, OR 97232

(971) 673-1291

Rules Coordinator

Address

Telephone

RULE CAPTION

Repeal of outdated rules that no longer fall under authority of the Public Health Division

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

ADOPT:

AMEND:

REPEAL: 333-092-0000, 333-092-0005, 333-092-0010, 333-092-0015, 333-092-0020, 333-092-0025, 333-092-0030, 333-092-0035, 333-092-0040, 333-092-0045, 333-092-0050, 333-092-0055, 333-092-0060, 333-092-0065, 333-092-0070, 333-092-0075, 333-092-0080, 333-092-0085, 333-092-0090, 333-092-0095, 333-300-0000

Stat. Auth.: ORS 146

Other Auth.:

Stats. Implemented: ORS 146.015(2), ORS 146.113 & ORS 146.117

RULE SUMMARY

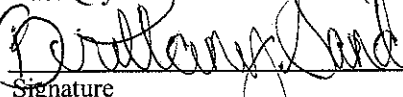
The Department of Human Services, Public Health Division is proposing to permanently repeal Oregon Administrative Rules chapter 333, division 92 related to Long Term Care Facilities, Nursing Homes for the Mentally Retarded. The authority over long term care facilities was transferred from the Health Division to the Seniors and People with Disabilities (SPD) Division in 1986. Consequently, SPD promulgated administrative rules in 1994 (chapter 309, division 43) relating to Intermediate Care Facilities for Mentally Retarded and Other Developmentally Disabled Persons that supercede the rules in chapter 333, division 92.

In addition, the Division is proposing to permanently repeal OAR chapter 333, division 300 related to Tissues, Organs or Fluids for Diagnostic, Research or Transplantation Purposes. OAR 333-300-0000 applies to the State Medical Examiner's Office that used to fall under the Health Division, but now falls under State Police. Therefore, the Public Health Division no longer needs this rule in the chapter 333 administrative rules. State Police was contacted regarding their need for this rule and they stated that OAR 333-300-0000 no longer applies to any program operated by the State Police.

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 23, 2009 by 5 p.m.

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

 Brittany Sande, Administrative Rules Coordinator, Public Health Division
Signature Printed name Date 10/15/09

*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