

	<p align="center">DEPARTMENT OF HUMAN SERVICES CHILDREN, ADULTS & FAMILIES</p> <p align="center">ADMINISTRATIVE SUPPORT MANUAL III</p>	<p>NUMBER: III-F.1.4</p> <p>SECTION: F. Information Management</p> <p>SUBSECTION: 1. Administrative Information</p>
<p>ISSUED BY: Program Operations EFFECTIVE DATE: January 2, 1996</p>		
<p>SUBJECT: 4. Administrative Rules Policy and Procedures</p>		

Interpretation: Policy/Rules Coordinator

Approval:

Assistant Administrator,
Program Operations

REFERENCES: ORS 183.310(8)

Oregon Attorney General's Administrative Law Manual and Uniform and Model Rules of Procedures Under the Administrative Procedures Act CF 78, "Questions for New/Revised Rules and Policies"

PURPOSE

This policy provides guidelines for developing and distributing agency administrative rules.

DEFINITIONS

(See Glossary)

(1) "Administrative Rule" is "any agency directive, standard, regulation or statement of general applicability that implements, interprets, or prescribes law or policy," (Oregon Attorney General's Administrative Law Manual). Administrative rules have a nine digit number displayed as follows "413-XXX-XXX." Administrative rules affect the public's livelihood, clarify legislative policy, resolve conflicts within a statute or between statutes, or provide a legal framework within which the agency will operate.

(2) "Author" is the person responsible for writing new/amended administrative rule.

(3) "Interpreter" is the person responsible for interpreting the intent of the rule. The interpreter is often the author.

(4) "Requestor" is a person who has a need for new or revised rules, and makes the request known to the policy/rules coordinator. The requestor may, or may not, be the author.

(5) "Temporary Rules" are emergency administrative rules that become effective upon filing with the Secretary of State's Office, and are effective for a period not longer than 180 days. Temporary rules may be amended, but not extended or renewed beyond

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the original 180-day period.

POLICY

(1) Whenever possible, staff will write administrative rules that reflect SOSCF's values and mission by:

(a) Developing rules in such a way that those people who are responsible for carrying out the rules have been included in rule development;

(b) Developing rules with broad participation and input from people both inside and outside of SOSCF;

(c) Stating broad principles and keeping procedures flexible when possible; and

(d) Writing rules to meet client, provider, staff and community needs.

(2) Administrative rules will be written:

(a) Following the process outlined in the Oregon Attorney General's Administrative Law Manual, the administrative rules supplied by the Secretary of State's Office, and the procedures set forth in this policy;

(b) Using simple language with short, precise, affirmative, active-voice sentences;

(3) The policy/rule coordinator will review all rules to ensure content and format consistency and lack of conflict with other policies/rules;

(4) The author will review all of their rules at least once every three years;

(5) SOSCF administrative rules will be filed in agency policy manuals.

(6) Administrative rules shall:

(a) Be current;

(b) Be accessible;

(c) Provide clear guidance on important issues;

(d) Meet all legal requirements;

(e) Provide a framework and basis for staff to carry out the agency's mission and values.

ADMINISTRATIVE RULE FORMAT

Each set of administrative rules will have the following elements:

- (1) Title. The rule's subject;
- (2) Purpose Statement. Short statement describing why the rule exists;
- (3) Definitions. Definitions of the key words the reader needs to understand when reading the rules;
- (4) Policy. Plan, philosophical statements, and/or position of the agency that affirms general agency operating standards;
- (5) Body of the rules. A logical, sequential format on how to carry out the agency's position or philosophy.

PROCEDURE

<u>Responsibility</u>	<u>Step</u>	<u>Action</u>
Requestor	1	Determine need for rules - new or revised.
	2	Review proposed new/revised rules with supervisor and assistant administrator and obtain their approval to develop the rules concept.
	3	Discuss with policy/rules coordinator.
Policy/Rules Coordinator	4	Review request with requestor and author to determine appropriateness of request, any additional revisions, connection with other rules/policy, and whether the material should be in policy or rule.
Author	5	Develop draft rules and related forms and procedures as needed with the assistance of an advisory committee consisting of representatives from SOSCF and other groups affected by the rules. Complete CF 78. Complete fiscal impact statement and notice with policy/rule coordinator's

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		assistance. Provide all of these to the policy/rule coordinator.
Policy/Rules Coordinator	6	Send notice and fiscal impact statement to the Secretary of State's Office before the 15th of each month.
	7	Send notice, fiscal statement and copy of the draft rules to the agency list of subscribers and interested parties as appropriate. If advisory committee is not used to develop the rules, indicate why in the Fiscal Impact Statement.
	8	Circulate draft rules, forms and procedures for as broad a review as possible. Review usually takes four weeks.
Policy/Rules Coordinator and Author	9	Conduct public hearings as required. Maintain a record of all of the data or views submitted during the hearing/review, both written and oral. Review with the Attorney General's Office if author and their supervisor request a review.
Operations Committee, Branch Managers, Program Managers, Supervisors and Interested Parties	10	Review proposed rules. Send comments to the policy/rules coordinator. Field responders: send comments to regional manager or designee with a copy to the policy/rules coordinator. The regional manager will resolve conflicting responses within their region and send a region response to the policy/rules coordinator.
Policy/Rules Coordinator	11	Review comments, obtain additional clarification if needed, and give comments to author to review.
Author	12	Review comments. Revise draft rules as appropriate.
	13	Prepare a written response to the

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substantive issues presented by written comments and oral views within 30 days after the permanent adoption of the rules, and give a copy to the policy/rules coordinator.

Policy/Rules Coordinator 14

File summary of author's written response to the substantive issues in agency's official rule file. Prepare final rules, "Certificate and Order for Filing Permanent Administrative Rules," and fiscal impact statement.

Director or 15
Assistant Administrator

Approve final rules and sign the "Certificate and Order for Filing Permanent Administrative Rules."

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File the final rules, a copy of the "Certificate and Order for Filing Permanent Administrative Rules," and the Fiscal Impact Statement with the Secretary of State's Office. File a copy of the final version of the rules with the Legislative Counsel within 10 days after the final rules are filed with the Secretary of State's Office.

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Publish and distribute approved rules and any related forms and procedures to policy stations, author and others as requested. Send author's written response, and a copy of the final rules to persons who provided comments during the review.

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Distribute the bi-monthly "Summary of Policy and Rule Activity" report to branch managers, executive staff and authors to keep them updated on status of rule changes.

EXCEPTIONS

Exceptions to the rulemaking process include the following:

(1) Minor change being made to rule or policy (i.e., ORS number change, spelling, punctuation correction). The policy/rules coordinator will follow the regular Secretary of State notification process, update the rules and distribute to policy stations.

(2) Proposed rule needs to be implemented quickly. The temporary rulemaking process will be followed.

(a) The administrative rulemaking process outlined in the procedure section of this policy is followed with different timelines and a review/approval of the rules with the Attorney General's Office. The policy/rules coordinator will guide the author through the temporary rulemaking process. Temporary rules are effective for up to 180 days. They can expire at the end of the 180 day period, or be replaced by permanent rules, but they cannot be renewed or extended beyond the 180 day period.

(b) After the temporary rules are filed with the Secretary of State's Office, the policy will be updated and distributed to policy stations and others as requested.