

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Human Services, Public Health Division  
Agency and Division

333

Administrative Rules Chapter Number

Repeal of outdated rules that no longer fall under authority of the Public Health Division

Rule Caption

In the Matter of: Repealing divisions 92 and 300 in chapter 333 of the Oregon Administrative Rules

Statutory Authority: ORS 146

Other Authority:

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

Need for the Rule(s):

The Department of Human Services, Public Health Division is permanently repealing two divisions of rules in chapter 333 that no longer apply to the Division. Chapter 333, division 92 pertains to Long Term Care Facilities, Nursing Homes for the Mentally Retarded. Authority over long term care facilities was transferred from the Health Division to the Seniors and People with Disabilities Division in 1986 and rules were promulgated 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.

In addition, chapter 333, division 300 (333-300-0000) pertaining to Tissues, Organs or Fluids for Diagnostic, Research or Transplantation Purposes is being repealed because the rule was originally adopted in 1986 for the Medical Examiner's Office that was under the authority of the Health Division at that time. The Medical Examiner's Office has since moved to State Police, so the rule no longer belongs in the Public Health Division chapter 333 OARs. When contacted about the Division's proposed repeal of OAR 333-300-0000, State Police indicated that the rule pertained to a program within the Medical Examiner's Office that is no longer in operation and therefore, does not need to be adopted in chapter 257 (State Police OARs).

Documents Relied Upon, and where they are available: None

Fiscal and Economic Impact: There is no fiscal or economic impact as a result of repealing divisions 92 and 300 of the Oregon Administrative Rules.

Statement of Cost of Compliance:

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

There is no impact on state agencies, units of local government, or the public as a result of the repeals.

2. Cost of compliance effect on small business (ORS 183.336): None

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:  
None.

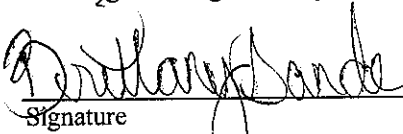
b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:  
None.

c. Equipment, supplies, labor and increased administration required for compliance:  
None.

How were small businesses involved in the development of this rule? Small businesses were not involved in this rulemaking, as they are not affected by the repeal of divisions 92 and 300.

Administrative Rule Advisory Committee consulted?: No

If not, why?: Due to the nature of this rulemaking, it was decided that a Rule Advisory Committee did not need to be convened and consulted. This rulemaking only removes outdated rules from chapter 333 that are no longer being used by the Public Health Division.

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

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007