

Administrative Order No. 00-061

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
CLAIMS EVALUATION, DETERMINATION AND RECONSIDERATION**

**EXHIBIT "A"
OREGON ADMINISTRATIVE RULES
CHAPTER 436, DIVISION 030 (TEMPORARY RULES)
EFFECTIVE JANUARY 1, 2001**

Applicability of Rules

436-030-0003 (1) Except as provided in section (3) of this rule, these rules apply to all accepted claims for workers' compensation benefits and all requests for reconsideration received by the department on or after the effective date of these rules.

(2) All orders issued by the division to carry out the statute and these rules are considered an order of the director.

(3) These rules take the place of the rules adopted on December 22, 1997 and April 28, 1999, by Workers' Compensation Division Administrative Orders 97-065 and 99-054, respectively, and carry out the provisions of former ORS 656.726(3), 656.206, 656.214, 656.268, 656.277, 656.325, 656.262, and Section 66 of Chapter 332.

(a) The provisions of OAR 436-030-0009, 030-0020, 030-0030, 030-0115, 030-0125, 030-0135, 030-0145, 030-0155, 030-0165, 030-0175 and 030-0185 apply to all determinations or claims for workers who become medically stationary after July 1, 1990. For claims in which the worker became medically stationary prior to July 2, 1990 the provisions of OAR 436-030-0020, 030-0030, 030-0050 as contained in WCD Administrative Order 13-1987 shall apply.

(b) The provisions of OAR 436-030-0045 regarding the classification of claims as disabling or nondisabling apply to claims with dates of injury on or after October 23, 1999. For claims with dates of injury prior to October 23, 1999, the provisions of OAR 436-030-0045 in Administrative Order 97-065 shall apply until the industry is notified otherwise by the director.

(c) For claims closed prior to January 1, 2001 under the provisions of OAR 436-030-0015, 030-0017, 030-0020, 030-0030, 030-0034, 030-0035, 030-0036, 030-0055, and 030-0065 as contained in Administrative Orders 97-065 and 99-054, and in which a request for reconsideration is received by the department on or after January 1, 2001, those provisions under which the claim was closed shall apply.

Stat. Auth.: ORS 656.268, ORS 656.726, 1995 OR Laws Chapter 332, and 1999 OR Laws Chapter 313

Stats. Implemented: ORS 656.206, ORS 656.210, ORS 656.212, ORS 656.262, ORS 656.268, ORS 656.277, ORS 656.325, ORS 656.726, 1995 OR Laws Chapter 332, and 1999 OR Laws Chapter 313

Hist.: Filed 6/30/78 as WCD Admin. Order 8-1978, eff. 7/10/78.

Amended 3/20/80 as WCD Admin. Order 4-1980, eff. 4/1/80.

Renumbered from OAR 436-65-030, May 1985.

Amended 12/17/87 as WCD Admin. Order 13-1987, eff. 1/1/88.

Amended 6/18/90 as WCD Admin. Order 7-1990, eff. 7/1/90 (temp.).

Amended 12/10/90 as WCD Admin. Order 33-1990, eff. 12/26/90.

Amended 8/20/91 as WCD Admin. Order 6-1991, eff. 9/01/91 (temp.).

Amended 1/17/92 as WCD Admin. Order 5-1992, eff. 2/20/92.

Amended 11/18/94 as WCD Admin. Order 94-059, eff. 1/1/95.

Amended 2/14/96 as WCD Admin. Order 96-052, eff. 2/17/96.

Amended 12/22/97 as WCD Admin. Order 97-065, eff. 1/15/98.

Amended 11/13/00 as WCD Admin. Order 00-058, eff. 01/01/01.

Amended 12/22/00 by WCD Admin. Order 00-061, eff. 01/01/01 (temp.).