

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

OREGON ADMINISTRATIVE RULES
CHAPTER 436, DIVISION 030 (Temporary Rule)
EFFECTIVE JANUARY 15, 2002

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 January 1, 2001, by Workers' Compensation Division Administrative Order [s] 00-058, and carry out the provisions of ORS 656.005, 656.214, 656.262, 656.268, 656.273, 656.277, 656.278, 656.325, and section 22(3), chapter 865, Oregon Laws 2001.

(a) The provisions of OAR 436-030-0009, 030-0020, 030-0030, 030-0115 (**except section (4)**), 030-0125, 030-0135, 030-0145, 030-0155, 030-0165 (**except subsection (9)(b)**), 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 (WCD Administrative Order 01-060) regarding the classification of claims as disabling or nondisabling apply to claims with dates of injury on or after January 1, 2002. For claims with dates of injury on October 23, 1999 through December 31, 2001, the provisions of OAR 436-030-0045 in WCD Administrative Order 99-054 shall apply. For claims with dates of injury prior to October 23, 1999, the provisions of OAR 436-030-0045 in WCD Administrative Order 97-065 shall apply.] **The provisions of OAR 436-030-0045 are applicable as follows:**

(A) For claims with dates of injury prior to October 23, 1999, OAR 436-030-0045 as adopted by WCD Administrative Order 97-065 shall apply.

(B) For claims with dates of injury on or after October 23, 1999:

(i) If the request for reclassification is made prior to January 1, 2002, OAR 436-030-0045 as adopted by WCD Administrative Order 00-058 shall apply.

(ii) If the request for reclassification is made on or after January 1, 2002, OAR 436-030-0045 as adopted by WCD Administrative Order 01-060 shall apply.

(c) OAR 436-030-0017(1) applies to all requests for closure made on or after January 1, 2002.

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[(c)] **(d)** The provisions of OAR 436- [030-0007, 030-0017,] **030-0055(3)(c) and (4)(a)** [, and 030-0165] apply to all claims with dates of injury on or after the effective date of these rules, January 1, 2002.

[(d) The provisions of OAR 436-030-0015 apply to all claims in existence or arising on or after the effective date of these rules, January 1, 2002.]

(e) The provisions of OAR 436-030-0115**(4) and 436-030-0165(9)(b)** apply to all claims closed on or after the effective date of these rules, January 1, 2002.

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 656.273, ORS 656.277, ORS 656.325, ORS 656.726, 1995 OR Laws Chapter 332, 1999 OR Laws Chapter 313; chapters 349, 350, 377, and 865, Oregon Laws 2001

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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.
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Amended 11/18/94 as WCD Admin. Order 94-059, eff. 1/1/95.
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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 11/16/01 as WCD Admin. Order 01-060, eff. 1/1/02.
Amended 1/15/02 as WCD Admin. Order 02-051, eff. 1/15/02 (Temp.)