

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
DISABILITY RATING STANDARDS

EXHIBIT "A"
OREGON ADMINISTRATIVE RULES
CHAPTER 436, DIVISION 035

EFFECTIVE APRIL 13, 2001

436-035-0500 Temporary Rule Promulgation for Individual Claims

(1) This rule applies to the rating of permanent disability under Chapter 656 in individual cases pursuant to ORS 656.726(4)(f)(C) which requires the director to stay the reconsideration proceeding and adopt temporary rules in cases where the director finds that the worker's impairment is not adequately addressed in the disability standards.

(2) Temporary rules promulgated pursuant to ORS 656.726(4)(f)(C) will be incorporated by reference to the Workers' Compensation Division claim file number and will be applicable solely to the rating of that claim. The temporary rule will be effective upon filing with the Secretary of State and elapse 180 days thereafter in accordance with ORS 183.335(6)(a).

(3) Notice of adoption of temporary rules will be given by mailing a copy of the temporary rule to the affected parties and to others as provided in OAR 436-001-0000(3).

A51-3646 The Director finds this worker has permanent impairment of the ilioinguinal nerve resulting in permanent work restrictions. The Director assigns an impairment value of 5% for unscheduled permanent partial disability of the ilioinguinal nerve in the right abdomen for this worker's loss of function. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. A51-3646.

A94-8686 As a result of the accepted traumatic neuritis, the worker developed cold intolerance of the left foot due to nerve injury. The Director finds this loss of function similar to the loss of function experienced with a peripheral vascular disease and assigns an impairment value of 35% of the left foot. See OAR 436-035-0230(5). This value shall be combined with any other applicable impairment values for the left foot/ankle. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. A94-8686.

A96-7137 As a result of the accepted left fifth toe fracture, the worker developed a rotational deformity. The Director finds this loss of function similar to the loss of function with rotational deformity of the finger and assigns an impairment value of 10% for the left little toe. This value shall be combined with any other applicable impairment values for the little toe. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. A96-7137.

E38-6617 The Director finds this worker no longer experiences recurrent left shoulder anterior dislocations and subluxations since the Bristow surgical procedure and screw removal. The Director finds this worker's surgical residuals are a loss of range of motion and permanent work restrictions which are addressed in the Division 035 Disability Rating Standards under OAR 436-035-0330 and 436-035-0310. No specific loss of use or function other than the loss of motion and permanent work restrictions have been identified in the record as surgical residuals. Accordingly, the Director assigns an impairment value of zero percent for this worker's Bristow procedure and screw removal. Notwithstanding OAR 436-035-0003, this rule applies only to

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WCD file no. E38-6617.

E91-1129 This worker has an accepted sexual dysfunction condition. The Director assigns a value of 5% unscheduled disability for the mild sexual dysfunction. This value shall be combined with any other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. E91-1129.

E97-6899 As a result of the accepted finger laceration, the worker developed cold intolerance of the left index finger. The Director finds this loss of function similar to the loss of function experienced with Raynaud's Syndrome and assigns an impairment value of 35% of the left index finger. See OAR 436-035-0110(6). This value shall be combined with any other applicable impairment values for the left index finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. E97-6899.

F95-1474 Due to vasomotor responses as a residual of her right pronator syndrome, this worker experiences cold intolerance in the right hand at temperatures at or below 50 degrees Fahrenheit. The Director assigns a value of 35% for the hand for cold intolerance. This value shall be combined with any other applicable impairment values for the right hand. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. F95-1464.

G89-1516 As a result of the accepted conditions, the worker is unable to abduct his right shoulder to 90 degrees in order to measure

external rotation and internal rotation as required by the AMA Guides to the Evaluation of Permanent Impairment, 3rd Ed., Revised 1990 referenced in OAR 436-035-0007(7). These values shall be added to any other right shoulder loss of range of motion values and then combined with any other applicable shoulder findings. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. G89-1516.

G91-0652 As a result of a severe injury and multiple accepted conditions, the worker developed cold sensitivity of the left hand. The cold sensitivity is not Raynaud's Phenomenon. The Director finds this loss of function similar to the loss of function experienced with Raynaud's Syndrome and assigns an impairment value of 35% of the left hand. See OAR 436-035-0110(6). This value shall be combined with any other applicable impairment values for the left hand. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. G91-0652.

H83-2574 This worker sustained an injury to the right ankle which resulted in the inability to reach the neutral or zero position in inversion and plantar flexion. This results in a reduction in both inversion and plantar flexion. The Director assigns an impairment value of 4.5% for inversion and 11% for plantar flexion of the right ankle. See OAR 436-035-0190(2) & (8). These values shall be added to any other appropriate right ankle and subtalar impairment values for loss of motion to obtain the total motion loss and then combined with any other applicable impairment values for the right ankle. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. H83-2574.

H96-0745 As a result of the accepted right fifth metacarpal fracture, the worker developed both a palmar deviation and a rotational deformity of the right fifth finger. The Director assigns

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an impairment value of 19% for the right fifth finger. This value shall be combined with any other applicable impairment values for the right fifth finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. H96-0745.

H97-8463 This worker was injured when he cut his little finger on a chain saw blade. There was resulting loss of sensation in the left little finger. The Director assigns an impairment value of 8% for the loss of sensation in the middle phalanx of the left little finger. This value shall be combined with other applicable sensation loss in the distal phalanx and any other applicable impairment values for the left little finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. H97-8463.

I94-6278 As a result of the accepted transection of the left index finger at the second phalanx, which injured the neurovascular bundle, the worker developed cold intolerance. The Director finds this loss of function to be similar to the loss of function experienced with Raynaud's Syndrome and assigns an impairment value of 35% of the left index finger. See OAR 436-035-0110(6). This value shall be combined with any other applicable impairment values for the left index finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. I94-6278.

I95-9534 As a result of the accepted amputation at the distal phalangeal joint the worker developed cold intolerance of the right third finger. The Director finds this loss of function similar to the loss of function experienced with Raynaud's Syndrome and assigns an impairment value of 35% of the right third finger. See OAR 436-035-0110(6). This value shall be combined with any other applicable impairment values for the right third finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. I95-9534.

A89-1510 Prior to becoming medically stationary in regards to his accepted conditions, this worker died as a result of causes unrelated to his accepted compensable injury. The Court of Appeals in *Shaw v. Steinfelds*, 160 Or App 77 (1999) ruled former OAR 436-035-0007(23)(b)(A) was inconsistent with ORS 656.218. Since the current OAR 436-035-0007(24)(b)(A) is substantially the same as the former rule, the ruling by the Court would also apply to the current rule. Therefore, the Director assigns an impairment value of 0% for the accepted conditions of left hip and sacrum contusion and bilateral sacroiliac strain. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. A89-1510.

D98-5601 Prior to becoming medically stationary in regards to his accepted conditions, this worker died as a result of causes unrelated to his accepted compensable injury. The Court of Appeals in *Shaw v. Steinfelds*, 160 Or App 77 (1999) ruled former OAR 436-035-0007(23)(b)(A) was inconsistent with ORS 656.218. Since the current OAR 436-035-0007(24)(b)(A) is substantially the same as the former rule, the ruling by the Court would also apply to the current rule. In determining this worker's residual impairment, as if he had survived and become medically stationary, the Director assigns an impairment value of 2% for the left hand. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. D98-5601.

E91-8215 This worker has an accepted sexual dysfunction condition. The Director

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assigns a value of 20% unscheduled disability for the sexual dysfunction. This value shall be combined with any other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. E91-8215.

H94-8094 This worker has a displaced healed sacroiliac joint which is not addressed by the Standards. The Director adopts a value of 10% for displaced right sacroiliac fracture. This value shall be combined with any other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. H94-8094.

I82-8270 As a result of a crush injury and multiple surgical procedures, the worker developed cold sensitivity of the right hand. The cold sensitivity is not Raynaud's phenomenon. The Director finds this loss of function similar to loss of function experienced with Raynaud's phenomenon and assigns an impairment value of 35% of the right hand. See OAR 436-035-0110(6). This value shall be combined with any other applicable impairment values for the right hand. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. I82-8270.

I95-4862 Prior to becoming medically stationary in regards to his accepted conditions, this worker died as a result of causes unrelated to his accepted compensable injury. The Court of Appeals in *Shaw v. Steinfelds*, 160 Or App 77 (1999) ruled former OAR 436-035-0007(23)(b)(A) was inconsistent with ORS 656.218. Since the current OAR 436-035-0007(24)(b)(A) is substantially the same as the former rule, the ruling by the Court would also apply to the current rule. The Director finds the worker's current unscheduled permanent partial disability is equal to 21% for the lumbar spine. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. I95-4862.

Stat Auth: ORS 656.726(4)

Stat Impltd: ORS 656.268(6); ORS 656.726(4)(f)(C)

Hist: Filed 12/31/92 as Admin. Order 18-1992, eff. 12/31/92 (Temp) (A58-7576) (D60-5352)
Amended 4/28/93 as WCD Admin. Order 93-051, eff. 4/28/93 (Temp) (A58-2159) (B59-4533) (E61-4228) (I59-2031)
Filed 6/29/93 as Admin. Order 93-053, eff. 6/29/93
Amended 9/2/93 as WCD Admin. Order 93-054, eff. 9/2/93 (Temp) (I64-3064)
Amended 10/22/93 as WCD Admin. Order 93-055, eff. 10/22/93 (Temp) (A61-7196) (F60-7468)
Amended 5/26/94 as WCD Admin. Order 94-053, eff. 5/26/94 (Temp) (A64-0903) (B33-4465) (B52-7039) (B63-9980) (C64-7847) (D50-0623) (D60-2551) (G45-4281) (I59-4285)
Amended 7/15/94 as WCD Admin. Order 94-056, eff. 7/15/94 (Temp) (C43-2644) (C50-4886) (D61-6586) (E38-6617) (E51-8953) (G37-3015)
Amended 8/31/94 as WCD Admin. Order 94-057, eff. 8/31/94 (Temp) (A66-7148) (C66-9882) (F67-9790) (G37-9847) (G66-0945) (G68-2891) (I66-9214) (I67-8572)
Amended 11/14/94 as WCD Admin. Order 94-061, eff. 11/14/94 (Temp) (A56-6922) (A68-8532) (B67-0517) (B69-2864) (C66-4016) (D69-1873) (D71-7397) (G68-3895)
Amended 01/26/95 as WCD Admin. Order 95-050, eff. 01/26/95 (Temp) (C51-2235) (C51-9086) (D59-9600) (D69-3198) (E74-0161) (F68-5951) (G55-5440) (G69-3682) (I75-8738)
Amended 03/02/95 as WCD Admin. Order 95-051, eff. 03/02/95 (Temp) (A69-9328) (I73-9896)
Amended 04/13/95 as WCD Admin. Order 95-052, eff. 04/13/95 (Temp) (A32-5947) (C54-7329) (F62-2845)
Amended 05/31/95 as WCD Admin. Order 95-053, eff. 05/31/95 (Temp) (A66-7308) (H69-9099)
Amended 07/11/95 as WCD Admin. Order 95-055, eff. 07/11/95 (Temp) (A55-1299) (A68-5802) (B75-0788) (C72-7919) (E47-5755) (F72-6107) (G52-8324)
Amended 10/05/95 as WCD Admin. Order 95-064, eff. 10/05/95 (Temp) (A72-7487) (B67-2012) (B75-5795) (G55-8472) (H77-3065)
Amended 11/02/95 as WCD Admin. Order 95-067, eff. 11/02/95 (Temp) (C77-9244) (F74-8492) (G72-5640) (I59-0763)
Amended 12/07/95 as WCD Admin. Order 95-072, eff. 12/07/95 (Temp) (A79-2845) (B78-6344) (D67-0149) (D75-7661) (F72-4844) (H75-1172)
Amended 02/01/96 as WCD Admin. Order 96-054, eff. 02/01/96 (Temp) (A74-3939) (A79-7277) (C76-4285) (E71-9980) (E74-3188) (F54-7926) (F69-1607) (F70-0225) (F77-9704) (I75-7201)
Amended 03/20/96 as WCD Admin. Order 96-058, eff. 03/20/96 (Temp) (A76-0401) (B74-7423) (B76-5803) (E73-6324)

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(F72-3750) (G41-0094) (G71-9125)
Amended 07/03/96 as WCD Admin. Order 96-063, eff. 07/03/96 (Temp) (B72-2366) (C69-5254) (C75-2485) (C75-4352) (D58-5410) (E60-2070) (E67-3492) (E75-7774) (E76-8051) (E78-0741) (F41-3719) (F71-5463) (G79-8212) (H66-7437) (H67-5437) (H74-6802) (I58-7732)
Amended 08/07/96 as WCD Admin. Order 96-067, eff. 08/07/96 (Temp) (B81-6992) (E73-5763) (F77-1642) (F78-3857) (F79-7581) (G77-2943) (I77-7807)
Amended 10/31/96 as WCD Admin. Order 96-071, eff. 10/31/96 (Temp) (A75-6135) (A81-4630) (B70-9869) (C78-2717) (D75-4912) (D79-9425) (E76-7631) (E80-1282) (F74-8492) (G72-8281) (I61-2741) (I79-2365) (I80-9262)
Amended 01/15/97 as WCD Admin. Order 97-050, eff. 01/15/97 (Temp) (A82-2866) (B77-8377) (D81-7448) (I82-0858)
Amended 01/08/97 as WCD Admin. Order 96-072, eff. 02/15/97
Amended 03/12/97 as WCD Admin. Order 97-052, eff. 03/13/97 (Temp) (C84-3004) (D82-9639) (G83-6389)
Amended 05/14/97 as WCD Admin. Order 97-054, eff. 05/14/97 (Temp) (D29-9140)
Amended 09/09/97 as WCD Admin. Order 97-060, eff. 09/09/97 (Temp) (B85-1508) (E84-8454) (H78-6911) (I43-6347) (I82-6879)
Amended 03/31/98 as WCD Admin. Order 98-054, eff. 03/31/98 (Temp) (A83-5359) (A85-2018) (C81-9952) (E55-9496) (E72-7758) (F61-8155) (F83-7544) (F86-6621) (G32-9876) (G60-2516) (G74-2871) (G81-2430) (G83-2249) (G85-5641) (H81-4914) (I86-3008) (I86-9133)
Amended 7/13/98 as WCD Admin. Order 98-056, eff. 7/15/98 (Temp) (A83-5562) (A86-1481) (B86-5204) (E84-8500) (E85-7684) (F79-5346) (G69-1876) (G86-8605) (G87-7426) (G88-7067) (H87-5177) (I82-2391)
Amended 10/15/98 as WCD Admin. Order 98-058, eff. 10/15/98 (Temp) (A83-2469) (A83-2921) (A85-8493) (A86-6157) (A86-7591) (A86-7963) (A87-9961) (B89-7196) (D75-3984) (D83-4235) (F87-2368) (I86-0887)
Amended 01/11/99 as WCD Admin. Order 99-050, eff. 01/15/99 (Temp) (A81-8005) (A84-0262) (A85-3518) (A86-8939) (B88-3694) (D88-4287) (D89-0679) (F83-8609) (F85-3096) (H91-0152) (I84-4190)
Amended 04/13/99 as WCD Admin. Order 99-053, eff. 04/15/99 (Temp) (B82-5920) (B83-1332) (D87-5966) (D90-9018) (D91-3299) (E89-7114) (F45-1513) (H86-4536) (H91-8266) (I86-3678) (I86-6219)
Amended 07/15/99 as WCD Admin. Order 99-058, eff. 07/15/99 (Temp) (A88-7382) (A89-0780) (A91-0674) (C91-0512) (D81-0814) (D87-3420) (E90-7599) (F87-8389) (G76-8267) (G81-2920) (G89-0989) (I87-8203) (I90-5353) (I90-9959)
Amended 10/15/99 as WCD Admin. Order 99-060, eff. 10/15/99 (Temp) (A84-7550) (A89-0685) (A89-6055) (B61-4705) (C87-7555) (C92-3595) (F77-3561) (G84-8924) (G90-0827)
Amended 01/14/00 as WCD Admin. Order 00-050, eff. 01/14/00 (Temp) (A92-9513) (B92-8683) (G91-7494) (G91-9214) (H86-8025)
Amended 04/13/00 as WCD Admin. Order 00-054, eff. 04/14/00 (Temp) (A92-0994) (B84-4216) (D54-6838) (D84-6587) (D87-4580) (E91-0653) (F89-4935) (G85-3029) (G87-5149) (G93-3700) (H88-4596) (H93-6091)
Amended 07/13/00 as WCD Admin. Order 00-056, eff. 7/14/00 (Temp) (A87-9693) (A91-6214) (A94-0992) (B87-3845) (B94-3184) (D87-6070) (D91-9673) (F91-6225) (H87-1056) (H93-2234) (H93-3196) (I41-4835) (I95-6917)
Amended 10/13/00 as WCD Admin. Order 00-057, eff. 10/13/00 (Temp) (A95-0778) (A95-1645) (C92-4439) (C93-6258) (E91-8135) (E94-2036) (F93-6308) (H75-6914) (H92-7893) (H95-0015) (H95-3028)
Amended 01/12/01 as WCD Admin. Order 01-050, eff. 01/12/01 (Temp) (A51-3646) (A94-8686) (A96-7137) (E38-6617) (E91-1129) (E97-6899) (F95-1474) (G89-1516) (G91-0652) (H83-2574) (H96-0745) (H97-8463) (I94-6278) (I95-9534)
Amended 04/12/01 as WCD Admin. Order 01-052, eff. 04/13/01 (Temp) (A89-1510) (D98-5601) (E91-8215) (H94-8094) (I82-8270) (I95-4862)