

EXHIBIT "A"

**CHAPTER 436
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
DIVISION 35**

DISABILITY RATING STANDARDS

Temporary Rule Promulgation For Individual Claims

436-035-0500 (1) This rule applies to the rating of permanent disability under Chapter 656 in individual cases pursuant to ORS 656.726(3)(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(3)(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(2).

A72-7487 This worker's loss of strength is due to a sensitivity secondary to scarring as result of partial thickness skin burns. The rules currently value loss of strength based on either nerve injury, loss of muscle tissue, or disruption of a musculotendinous unit. The scarring has resulted in a loss of function similar to what would be experienced by a disruption of a musculotendinous unit. The strength shall be valued as if the nerve supplying that muscle or muscle group was impaired. As a result of the impairment from strength loss, this worker is entitled to 9% of the right wrist/forearm. This impairment is combined with any other impairment ratable under the current rules. Notwithstanding OAR 436-035-0003, this rule applies to only WCD file no. A72-7487.

B67-2012 The worker has a radial deviation of the PIP joint of the right middle finger resulting in disability. The current Standards do not address this disability. In this case, the 15 degree radial deviation of the PIP joint of the right middle finger as a proportion of the whole finger will receive an impairment value of 14%. This impairment is combined with any other impairment ratable under the current rules. Notwithstanding OAR 436-035-0003, this rule applies to only WCD file no. B67-2012.

B75-5795 This worker's loss of strength is due to fracture deformity of the second metacarpal of the right hand. The rules currently value loss of strength based on either nerve injury, loss of muscle tissue, or disruption of a musculotendinous unit. In this case, the loss of function may be compared to a disruption of a musculotendinous unit. As a result of the disability from strength loss, this worker is entitled to 9% impairment of the median nerve for the right hand/forearm. This disability shall be combined with other impairment values for the right hand/forearm which are ratable under the current rules. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. B75-5795.

G55-8472 At the time of claim closure, the rules did not address the chondromalacia condition. This worker was diagnosed with universal Grade 2-3 chondromalacia and degenerative joint disease (arthritis). Effective June 1, 1992, a standard was adopted to address the rating of chondromalacia. The Director therefore adopts application of OAR 436-035-0230 (13) to address this worker's impairment

CHAPTER 436
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

resulting from chondromalacia. This value may be combined with any other ratable impairment for the left knee. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. G55-8472.

H77-3065 This worker has experienced head trauma which has resulted in the episodic ocular traumatic headaches resulting in sudden visual loss. The rules allow for valuing episodic neurological disorders imposing similar restrictions. Therefore, as a result of this loss of function, this worker is entitled to a value of 30% for ocular migraine. This value may be combined with other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD File No. H77-3065.

C77-9244 This worker has loss of articular cartilage in the weight-bearing area of the medial femoral condyle of the right. The loss of the articular cartilage has resulted in loss of use or function of the right knee similar to that of Grade IV chondromalacia. The Director finds a value of 5% to address this worker's disability resulting from loss articular cartilage in the weight-bearing medial femoral condyle with resultant loss of use. This value may be combined with any other ratable impairment for the right knee. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. C77-9244.

F74-8492 This worker experienced a loss of walking ability due to the articular cartilage defect of the knee. The standards do not address the worker's walking limitations. As a result of this impairment, the worker is entitled to a value of 10% of the knee. This value may be combined with other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. F74-8492.

G72-5640 This worker's loss of strength is due to atrophy of the quadriceps muscle of the left leg. The rules currently value loss of strength based on either nerve damage, loss of muscle, or disruption of musculotendinous unit. Atrophy is loss of muscle or loss of muscle tissue. As a result of the disability from atrophy resulting in strength loss, this worker's disability is ratable under the current Standards. See (Temp) OAR 436-035-0007 (16) Admin. Order 95-060 and OAR 436-035-0230 (9)(10). The loss of strength shall be combined with other impairment values for the left knee/leg which are ratable under the current rules. Notwithstanding, OAR 436-035-0003, this rule applies only to WCD file No. G72-5640.

I59-0763 This worker has experienced a loss of standing and walking ability due to a compensable right knee injury. The standards do not address this worker's limitations as a result of this injury. The worker is limited to 2 hours or less standing and walking in an 8 hour period. As a result of this impairment, this worker is entitled to a value of 15% of the knee. This value may be combined with other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. I59-0763.

A79-2845 This worker is afflicted with focal dystonia manifested by loss of coordination of the fingers of the left hand while playing the viola. The standards do not address this worker's disability. As a result of this disability, the worker is entitled to a value of 14% for the left arm. These values may be combined with other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. A79-2845.

B78-6344 This worker's loss of grip strength is due to irritation and/or inflammation of the origin of the common extensor tendon at the lateral epicondyle of the left elbow. The rules currently value loss of strength based on either nerve damage, loss of muscle tissue, or disruption of a musculotendinous unit. The inflammatory changes in the musculotendinous unit results in a similar loss of function as disruption of the musculotendinous unit. The strength shall be valued as if the nerve supplying the muscle group was impaired. As a result of the impairment from strength loss, this worker is entitled to 10% of the forearm. This impairment is combined with any other impairment ratable

CHAPTER 436
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

under the current rules. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. 78-6344.

D67-0149 This worker has experienced a valgus deformity in the ankle joint following a fracture which has affected function. The current rules do not address valgus deformity in relation to the ankle. Therefore, in this case the valgus deformity shall be valued as 17% of the lower leg (ankle). This value is combined with any other ratable impairment findings. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. D67-0149.

D75-7661 As a result of the accepted laceration of the right index finger, this worker has lateral deviation and rotational deformities of the finger. The standards do not address these deformities and the resulting loss of function and use. The impairment value of right index finger for the lateral deviation is 20% and for the rotational deformity is 20%. These values shall be combined with any other applicable impairment values for the right index finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. D75-7661.

F72-4844 As a result of the accepted lacerations to the fingers of the right hand, this worker developed cold intolerance due to interference in the sympathetic nervous system following finger surgery. The standards do not address this disability. The impairment value for the cold intolerance is 35% of the right hand. These values 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. F72-4844.

H75-1172 As a result of the accepted crush injury to the right hand, this worker has lateral deviation and rotational deformities of the right ring finger. The standards do not address these deformities and resulting loss of function and use. The impairment value of the ring finger for the lateral deviation is 7% and for the rotational deformity is 28%. These values shall be combined with any other applicable impairment values for the right ring finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. H75-1172.

A74-3939 As a result of the accepted crush injury to the left ring finger, this worker has a loss of finger length and a rotational deformity of the left ring finger. The standards do not address these deformities and resulting loss of function and use. The impairment value of the ring finger for the rotational deformity is 9% and for the loss of longitudinal length is 30%. These values shall be combined with any other applicable impairment values for the right ring finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. A74-3939.

A79-7277 This worker sustained an avulsion of the right ring finger pad followed by full thickness skin graft. The rules do not provide a value for hypersensitivity of the fingers. In this case, the impairment value for hypersensitivity of the right ring finger is 8%. This impairment value is combined with any other ratable impairment under the current Standards. Notwithstanding OAR 436-035-0003, this rule applies to only WCD file no. A79-7277.

C76-4285 This worker has experienced a loss of strength in the right leg as a result of damage to the L2 nerve root. The standards do not address this worker's loss of strength as a result of this injury. The loss of strength due to L2 nerve root damage shall be valued as 15% of the right leg. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. C76-4285.

E71-9980 This worker's loss of grip strength is due to Kienbock's disease. Loss of strength due to Kienbock's disease is similar to a loss of function as a result of a disruption of the musculotendinous unit. The strength shall be valued as if the nerve supplying the muscle group was impaired. As a result of the impairment from strength loss, this worker is entitled to a value of 9% of the right forearm. This impairment is combined with any other impairment ratable under the current rules. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. E71-9980.

CHAPTER 436
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

E74-3188 This worker experienced a loss of strength in the left ankle as a result of the accepted injury. The medical evidence indicated the loss of strength was due to loss of range of motion in the ankle. The Director finds the worker is not entitled to an additional value to the loss of range of motion values. The loss of range of motion values shall be combined with any other applicable impairment values for the left ankle. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. E74-3188.

F54-7926 This worker has experienced a loss of left ventricular function as a result of myocardial contusion. The standards do not address this worker's loss of ventricle function as a result of the accepted injury. The loss of left ventricular function shall be valued as 20% unscheduled disability. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. F54-7926.

F69-1607 This worker's loss of grip strength is due to Kienbock's disease. Loss of strength due to Kienbock's disease is similar to a loss of function as a result of a disruption of the musculotendinous unit. The strength shall be valued as if the nerve supplying the muscle group was impaired. As a result of the impairment from strength loss, this worker is entitled to a value of 23% of the right forearm. This impairment is combined with any other impairment ratable under the current rules. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. F69-1607.

F70-0225 This worker has experienced a loss of standing and walking ability due to a fracture of the left patella and sequelae. The standards do not address this worker's limitations as a result of this injury. The worker is limited to 2 hours or less standing and walking in an 8 hour period. As a result of this impairment, the worker is entitled to a value of 10% of the left knee. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. F72-0225.

F77-9704 As a result of the accepted lacerations and amputations of the fingers of the left hand, this worker developed cold sensitivity. The standards do not address this disability. The impairment value for the cold intolerance is 3% of the left hand. These values 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. F77-9704.

I75-7201 This worker has experienced a malalignment of the tibia following a fracture which has affected function. There are two components of malalignment of the tibial shaft: leg length and rotational deformity. The rules currently value loss of leg length, but do not address rotational deformities. Therefore, in this case, the rotational deformity shall be valued as 21% of the leg. This value is combined with any other ratable impairment findings. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. I75-7201.

A76-0401 This worker's loss of strength is a result of the inability to fix the scapula against the chest wall due to the weakness in the serratus anterior causing problems with the scapular-thoracic rhythm leading to symptoms of anterior shoulder pain. The rules value loss of strength based on either nerve damage, loss of muscle tissue, or disruption of a musculotendinous unit. The problems with the scapular-thoracic rhythm results in a similar loss of function as disruption of the musculotendinous unit. The strength shall be valued as if the nerve supplying the muscle group was impaired. As a result of the impairment from strength loss, this worker is entitled to 1.0% of the right shoulder. This impairment is combined with any other loss of strength in the shoulder and then combined with other impairment ratable under the former rules. Notwithstanding OAR 436-35-003, this rule applies only to WCD file No. A76-0401.

B74-7423 This worker has experienced a loss of standing and walking ability due to degenerative joint disease and surgical sequelae. The standards do not address this worker's limitations as a result of this injury. The worker is limited to 2 hours or less standing and walking

CHAPTER 436
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

in an 8 hour period. As a result of this impairment, the worker is entitled to a value of 10% of the right leg. This impairment is combined with any other impairment ratable for the leg under the former rules. Notwithstanding OAR 436-35-003, this rule applies only to WCD file no. B74-7423.

B76-5803 This worker sustained an crush injury to the left index finger followed by osteomyelitis and subsequently requiring a debridement of the distal tuft. The rules do not provide a value for hypersensitivity or cold intolerance of the fingers. In this case, the impairment value for hypersensitivity of the left index finger is 8% and for cold intolerance is 3%. These impairment values are combined with any other ratable impairment under the former Standards. Notwithstanding OAR 436-35-003, this rule applies to only WCD file no. B76-5803.

E73-6324 This worker's loss of strength is associated with a left ankle sprain and avascular necrosis of the talus. Loss of strength due to left ankle sprain and avascular necrosis is similar to a loss of function as a result of a disruption of the musculotendinous unit. The strength shall be valued as if the nerve supplying the muscle group was impaired. As a result of the impairment from strength loss, this worker is entitled to a value of 2% of the left foot/ankle. This impairment is combined with any other impairment ratable under the former rules. Notwithstanding OAR 436-35-003, this rule applies only to WCD file no. E73-6324.

F72-3750 This worker's loss of the 5th digit adductor strength is due to damage of the third interosseous muscle in the hand. The loss of function is a proportion to the loss of strength in the hand. The strength shall be valued as if the nerve supplying the muscle was impaired. As a result of the impairment from strength loss, this worker is entitled to 1.0% of the hand. This impairment is combined with any other impairment ratable under the former rules. Notwithstanding OAR 436-35-003, this rule applies only to WCD file No. F72-3750.

G41-0094 This worker has experienced a loss of standing and walking ability due to osteoarthritis and surgical sequelae. The standards do not address this worker's limitations as a result of this injury. The worker is limited to 2 hours or less standing and walking in an 8 hour period. As a result of this impairment, the worker is entitled to a value of 10% of the left leg. This impairment is combined with any other impairment ratable for the leg under the former rules. Notwithstanding OAR 436-35-003, this rule applies only to WCD file no. G41-0094.

G71-9125 This worker's angular deformity in the humerus due to mid shaft fracture has resulted in an increased lateral deviation of 12 degrees at the elbow. The rules do not address such deformities. As a result of this impairment from the angular deformity, this worker is entitled to a value of 7% of the right arm. This impairment is combined with any other impairment ratable for the arm under the former rules. Notwithstanding OAR 436-35-003, this rule applies to only WCD file no. G71-9125.

Stat Auth: ORS 656.726(3)

Stat Impltd: ORS 656.268(6); ORS 656.726(3)(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)

CHAPTER 436
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

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) (F72-3750) (G41-0094) (G71-9125)

SAWP_PROJRUL_DRFT\35_500\TEMP5003.SAM\03/15/96\flr