

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).

A75-6135 As a result of the surgical repair of the accepted right inguinal hernia, this worker developed atrophy of the right testis causing a reduction in spermatogenesis. The rules do not provide a value for loss of the testis resulting in the reduction in spermatogenesis. In this case, the impairment value for reduction in spermatogenesis in the right testes is 1%. This impairment value is combined with any other ratable impairment under the former Standards. Notwithstanding OAR 436-035-0003, this rule applies to only WCD file no. A75-6135.

A81-4630 This worker has a diastasis of the manubrium and sternal joint resulting in loss of function. The current Standards do not address this impairment. In this case, the permanent diastasis of the manubrium and sternal joint shall be valued at 7% for the chest wall. This value shall be combined with other applicable impairment values ratable under the Standards. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. A81-4630.

B70-9869 This worker has a shortened right leg as a result of right hemipelvic vertical displacement which is a result of fracture of the pubic symphysis and a separation of the right sacroiliac joint. This worker's right leg length discrepancy and healed displaced separated right sacroiliac joint are not addressed by the Standards. The Director adopts the current Standard OAR 436-035-0230 (2) to address the right leg length discrepancy and adopts a value of 10% for the healed displaced sacroiliac joint. These values shall be combined with any other applicable impairment values for the leg and pelvis respectively. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. B70-9869.

C78-2717 As a result of the accepted herniated nucleus pulposus at right C6-7, this worker developed loss of strength in internal rotation of the right shoulder. The Standards provide for loss of strength in the shoulder due to peripheral nerve damage, but do not address loss of shoulder strength due to cervical nerve root damage. The impairment value for the loss of strength in internal rotation in the right shoulder is 3%. This value shall be combined with any other applicable impairment values for the right shoulder. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. C78-2717.

D75-4912 This worker has loss of strength in the right wrist extensor and supinator muscles which is not addressed by the former Standards. The Director adopts the rating of loss of strength as set forth

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in OAR 436-035-0007 (18) and 436-035-0110 (8), Admin. Order 96-051 as amended by (Temp) 96-068. This value shall be combined with any other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. D75-4912.

D79-9425 This worker has residual instability of the MP joint of the left thumb which is not addressed by the Standards. The Director assigns a value of 2.0 % for instability of the left thumb. This value shall be combined with any other applicable impairment. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. D79-9425.

E76-7631 This worker has experienced an external rotational deformity of 18 degrees of the right lower leg. The external rotational deformity has affected the function of the entire leg. The rules currently do not address rotational deformities. Therefore, in this case, the rotational deformity shall be valued as 26% of the right leg. This value is combined with any other ratable impairment findings. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. E76-7631.

E80-1282 This worker has a malunion of the first metatarsal resulting in 15 degrees of dorsal tilt causing a greater loss of function than is contemplated in the current Standards. The Director assigns the value of 14% for malunion of the first metatarsal of the left foot. This value shall be combined with any other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. E80-1282.

F74-8492 As a result of the accepted left knee lateral meniscectomy and an abrasion arthroplasty of a large medial femoral condyle defect, this worker experienced a loss of walking ability. The Standards at the time of closure addressed the femoral condyle defect under degenerative joint disease, but did not address this worker's walking limitations. The Director adopts WCD Admin. Order 96-051, OAR 436-035-0230 (13)(14)(16) to address this worker's disability. Any value granted in accordance with these rules shall be combined with any other applicable impairment findings. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. F74-8492.

G72-8281 This worker has residual mild instability of the MP joint of the right thumb and the right elbow and 55 degrees (retained) of flexion of the IP joint of the right thumb. These impairments are not addressed by the Standards. The Director assigns a value of 2.0% for instability of the right thumb and 14.0% for the instability in the right elbow. In addition, the Director computes the impairment value for 55 degrees (retained) of flexion of the IP joint of the right thumb as 14.0%. These values shall be combined with any other applicable impairments for the thumb and elbow. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. G72-8281.

I61-2741 As a result of the accepted left wrist sprain, this worker developed a loss of grip strength which is not addressed by the former Standards. The Director adopts the rating of loss of strength as set forth in OAR 436-035-0007 (18) and 436-035-0110 (8), Admin. Order 96-051. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. I61-2741.

I79-2365 This worker has erection dysfunction as a result of the accepted L5-S1 herniated disc which is not addressed by the Standards. The Director adopts a value of 10% for the erectile 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. I79-2365.

I80-9262 This worker has a residual range of motion of 55 degrees of flexion of the IP joint of the left thumb which is not addressed by the Standards. The Director adopts the value of 14 % for the impairment value for 55 degrees of flexion of the IP joint of the left thumb. This value shall be combined with any other applicable impairment. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. I80-9262.

A82-2866 This worker has a residual range of motion of 55 degrees of flexion of the IP joint of the left thumb which is not addressed by the Standards. The Director adopts the value of 14% for the

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impairment value for 55 degrees of flexion of the IP joint of the left thumb. This value shall be combined with any other applicable impairment. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. A82-2866.

B77-8377 This worker has a left sternoclavicular joint subluxation resulting in loss of function. The current Standards do not address this impairment. In this case, the chronic subluxation of the sternoclavicular joint shall be valued at 7% for the left shoulder. This value shall be combined with other applicable impairment values ratable under the Standards. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. B77-8377.

D81-7448 This worker has experienced a comminuted fracture of the distal shaft of the tibia which healed in 20 degrees of valgus angulation. This angulation affects the function of the entire leg. The rules currently do not address healed tibial shaft fractures with angulation. The Director assigns a value of 32% for the right leg for the valgus angulation of the tibial shaft. This value is combined with any other ratable impairment findings. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. D81-7448.

I82-0858 This worker has hypersensitivity in the third and fourth toes and a loss of sensation of the medial one quarter of the plantar surface of the right foot as a result of nerve damage following a crush injury. For the hypersensitivity of the toes and loss of sensation of the medial one quarter of the plantar surface of the right foot, the Director assigns the value of 5% for this altered sensation. This award is in lieu of partial loss of sensation for the foot. See OAR 436-035-0170(1)(b) and 436-035-0200(1). This value shall be combined with any other applicable impairment values. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. I82-0858.

C84-3004 This worker has experienced head trauma which has resulted in post-traumatic headaches. During a post-traumatic headache episode the worker experiences photophobia, nausea, vomiting, has disruption of the activities of daily living and is unable to work. The headaches are not entirely responsive to prescription medication. The Director assigns an impairment value of 10% for this case. Notwithstanding former OAR 436-035-0003, this rule applies only to WCD file No. C84-3004.

D82-9639 As a result of the accepted head contusion and concussion, the worker has severe intermittent headaches. This worker's headaches are accompanied by nausea, vomiting, photophobia and sonophobia requiring prescription medications. There is disruption of the activities of daily living and inability to work during a headache episode. An impairment value of 10% is given for this case. Notwithstanding former OAR 436-035-0003, this rule applies only to WCD file No. D82-9639.

G83-6389 This worker is permanently restricted from exposure to a chemical irritant which results in chronic rhinitis. The reaction to the irritants is not addressed by the Standards. The Director adopts the value of 3% for the irritant response which is similar to an immune system allergic response. This value is combined with any other applicable impairment values. Notwithstanding former OAR 436-035-0003, this rule applies only to WCD file No. G83-6389.

Stat Auth: ORS 656.726(3)

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

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Amended 4/28/93 as WCD Admin. Order 93-051, eff. 4/28/93 (Temp) (A58-2159) (B59-4533) (E61-4228) (I59-2031)

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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) (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 03/13/97 as WCD Admin. Order 97-052, eff. 03/13/97 (Temp) (C84-3004) (D82-9639) (G83-6389)

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