

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

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

EFFECTIVE JANUARY 15, 1999

**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(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).

A83-2469 This worker sustained an injury to the left ankle which resulted in the inability to reach neutral or zero ankle position. This ultimately results in a reduction of plantar flexion. The Standards do not provide a value for the worker's measured plantar flexion from -4 degree to 31 degrees equaling 27 degrees of plantar flexion. See former OAR 436-035-0190(6). The Director therefore assigns an impairment value of 4.9% for plantar flexion of the left ankle. See former OAR 436-035-0190(8). This value shall be combined with any other applicable impairment values to the left ankle. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. A83-2469.

A83-2921 This worker sustained a crush injury to the left foot which produced an inappropriate function of the sympathetic nerve manifested by symptoms of skin mottling, skin coldness, temperature intolerance, and swelling. The Director finds this loss of function similar to the loss of function experienced with permanent peripheral vascular damage and assigns an impairment value of 15% of the left leg. See former OAR 436-035-0230(7)(b). This value shall be combined with any other applicable impairment values for the left lower extremity notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. A83-2921.

A85-8493 This worker sustained an injury to the right ankle which resulted in the inability to reach neutral or zero ankle position. This ultimately results in a reduction of plantar flexion. The Standards do not provide a value for the worker's measured plantar flexion measured from -10 degrees to 20 degrees equaling 10 degrees of plantar flexion. See former OAR 436-035-0190(6). The Director therefore assigns an impairment value of 11% for plantar flexion of the right ankle. See former OAR 436-035-0190(8). This value shall be combined with any other applicable impairment values to the right ankle. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. A85-8493.

A86-6157 This worker sustained a crush injury and damage to the ulnar/median nerves in his left hand resulting in neurovascular pathology which causes vaso-reactivity of the muscular

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

---

mucosa of the vessels marked by symptoms of hypersensitivity and cold intolerance. The Director finds this loss of function similar to the loss of function experienced with permanent vascular damage and assigns an impairment value of 15% of the left hand. See former OAR 436-035-0110(1)(6)(b). 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. A86-6157.

A86-7591 This worker was impaled with a wood splinter running from the radial side of his left hand through to the left carpal tunnel. There was a resulting loss of sensation in the left ring finger at the middle phalanx. The loss of function in the left ring finger associated with loss of sensation at the middle phalanx is similar to the loss of use or function observed in a finger which has been amputated and the value is established by comparing the overall remaining length equivalency of the digit to the table former OAR 436-035-0110(1)(c). See former OAR 436-035-0110 (1)(b). The Director assigns an impairment value of 13% for the loss of sensation. Notwithstanding OAR 436-035-0003, this rule applies to only WCD file no. A86-7591.

A86-7963 This worker sustained a fracture of the right fifth finger requiring surgical repair. The finger healed with a hyperextension deformity. The Standards do not provide an impairment value for this deformity in a digit. The Director finds the loss of use or function due to the hyperextension deformity is similar to the loss experienced with digit bony deformity in lateral or rotational deviation and assigns an impairment value of 10% for the little finger. See former OAR 436-035-0060(10). This impairment value is combined with any other ratable impairment under the Standards. Notwithstanding OAR 436-035-0003, this rule applies to only WCD file no. A86-7963.

A87-9961 Following amputations of the left index, middle, and ring fingers, the worker developed cold intolerance in the involved fingers due to vasomotor dysfunction. The standards do not address this disability. The Director finds this loss of function similar to the loss of function experienced with Raynaud's syndrome and assigns an impairment value of 88% for the left index finger, 88% for the middle finger, and 88% for the ring finger. See former OAR 436-035-0110(6). These values shall be combined with any other applicable impairment values for each involved finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. A87-9961.

B89-7196 This worker sustained a fracture of the distal phalanx of the left ring finger resulting in a dorsal deviation deformity at the fracture site. The Standards do not provide an impairment value for a dorsal deviation deformity in a digit. The Director finds the loss of use or function due to the dorsal deviation similar to the loss experienced with digit bony deformity in lateral or rotational deviation and assigns an impairment value of 10%. See former OAR 436-035-0060(10). This impairment value is combined with any other ratable impairment under the Standards. Notwithstanding OAR 436-035-0003, this rule applies to only WCD file no. B89-7196.

D75-3984 This worker sustained a crush injury to the left hand with amputations and partial amputations of the fingers which resulted in neurovascular pathology manifested by dystrophic changes marked by symptoms of hypersensitivity (pain) and cold intolerance in the left index finger. The Director finds the impairment as a result of the underlying neurovascular pathology is similar to the loss of function experienced with permanent vascular damage. See former OAR

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

---

436-035-0110(6)(b). Therefore, the Director assigns a value of 15% of the left index finger for neurovascular damage resulting in symptoms of hypersensitivity and cold intolerance which produce loss of use of the left index finger. This value shall be combined with any other applicable impairment findings for the left index finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. D75-3984.

D83-4235 This worker sustained a laceration and injection of hydraulic fluid into the distal tip of the left index finger. Subsequently, the worker developed hypersensitivity in 1/2 the distal phalanx of the index finger. The former rules do not provide an impairment value for the loss of use or function due to hypersensitivity. The Director finds the loss of use or function due to hypersensitivity similar to the loss of sensation ("protective") for 1/2 the distal phalanx of the left index finger and assigns an impairment value of 12%. See former OAR 436-035-0110 (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. D83-4235.

F87-2368 This worker has 10 degrees of instability of the metacarpophalangeal (MP) joint of the right thumb due to the accepted ulnar collateral ligament rupture. This impairment is not addressed by the Standards. The Director assigns a value of 4.0% for moderate (10 degrees) metacarpophalangeal joint instability of the right thumb. This value shall be combined with any other applicable impairment findings for the right thumb. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. F87-2368.

I86-0887 Following lacerations of the right index, middle, and ring fingers, the worker developed cold intolerance in the involved fingers due to the crushing of the nerves and skin receptors. The standards do not address this disability. The Director finds this loss of function similar to the loss of function experienced with Raynaud's syndrome and assigns an impairment value of 15% for the right index finger, 15% for right middle finger, and 15% for the right ring finger. See former OAR 436-035-0110(6). These values shall be combined with any other applicable impairment values for each involved finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file No. I86-0887.

**A81-8005 This worker has sexual dysfunction as a result of the accepted L1 burst fracture damaging the spinal cord which is not addressed by the Standards. The Director adopts a value of 5% for the sexual dysfunction. The worker also sustained multiple fractures and dislocations to both lower extremities. Due to neurological deficits caused by the spinal cord injury, the Director finds the worker's loss of muscle strength and limitations regarding standing and walking will be addressed pursuant to former OAR 436-035-0230(12). Since the loss of range of motion is due to both the fractures and to spinal cord damage, the Director finds the worker's active range of motion shall be awarded per former OAR 436-035-0190. These values shall be combined with any other applicable impairment values in the scheduled and unscheduled injured body parts/areas. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. A81-8005.**

**A84-0262 This worker sustained a comminuted intra-articular burst type fracture of the left calcaneus. Subsequently, the worker developed dysesthesia of the plantar surface of the left heel. The rules do not provide an impairment value for the loss of use or function due to dysesthesia. The Director finds the loss of use or function due to dysesthesia similar to a partial loss of plantar sensation and assigns an impairment value of**

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

---

5%. See OAR 436-035-0200(1). This impairment value is combined with any other ratable impairment under the Standards. Notwithstanding OAR 436-035-0003, this rule applies to only WCD file no. A84-0262.

A85-3518 This worker has an accepted sexual dysfunction condition and cauda equina syndrome manifested by an erectile dysfunction which is not addressed by the Standards. The Director adopts a value of 5% 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. A85-3518.

A86-8939 The worker had a total destruction of the fat pad of his right heel as a direct medical sequelae of a crushing injury to the right foot when the soft tissue became necrotic and infected requiring debridement. Subsequent skin grafting could not restore the padding. The Director adopts an impairment value of 10% of the foot for the tissue loss in the heel pad. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. A86-8939.

B88-3694 This worker sustained an injury to the right calcaneus which resulted in the inability to reach neutral or zero degree ankle position. This ultimately results in a reduction in plantar flexion. The Standards do not provide a value for the worker's measured plantar flexion measured from -6 degrees to 32 degrees equaling 26 degrees of plantar flexion. See OAR 436-035-0190(6). The Director therefore assigns an impairment value of 5.2% for plantar flexion of the right ankle. See OAR 436-035-0190(8). This value shall be combined with any other applicable impairment values to the right ankle. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. B88-3694.

D88-4287 Following amputations of the right ring and little fingertip and injuries to the digital nerves, the worker experiences hypersensitivity and cold intolerance. The Director assigns a value of 8% for the right ring finger and 8% for the right little finger for hypersensitivity. The Director assigns an impairment value of 35% for the right ring finger and 35% for the right little finger for cold intolerance. These values shall be combined with any other applicable impairment values for the involved right ring finger and little finger. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. D88-4287.

D89-0679 This worker has residual moderate instability of the metacarpophalangeal (MP) joint of the right thumb due to the accepted ulnar collateral ligament tear. This impairment is not addressed by the Standards. The Director assigns a value of 4.0% for moderate metacarpophalangeal joint instability of the right thumb. This value shall be combined with any other applicable impairment findings for the right thumb. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. D89-0679.

F83-8609 This worker has anterior inferior instability of the left shoulder resulting in a loss of use or function. The Standards do not address this impairment. The Director assigns an impairment value of 15% of the left shoulder for anterior inferior instability. This value shall be combined with any other applicable impairment values ratable under the Standards. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. F83-8609.

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

**F85-3096 Following the laceration of the right median nerve at the wrist in two places, the worker developed cold intolerance in his hand due to damage to the median nerve. The Standards do not address this disability. The Director finds this loss of function similar to the loss of function experienced with Raynaud's Syndrome and assigns an impairment value of 63% for the right hand. See former OAR 436-035-0110(6)(d). This value shall be combined with any other applicable impairment values for the involved right upper extremity. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. F85-3096.**

**H91-0152 This worker sustained a crush injury with an open fracture of the distal phalanx of the right little finger resulting in a dorsal deviation deformity at the fracture site. The Standards do not provide an impairment value for a dorsal deviation deformity in a digit. The Director finds the loss of use or function due to the dorsal deviation similar to the loss experienced with digit bony deformity resulting in lateral or rotational deviation and assigns an impairment value of 10%. See OAR 436-035-0060(10). This impairment value shall be combined with any other applicable impairment values ratable under the Standards. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. H91-0152.**

**I84-4190 This worker experienced a malalignment of the left lower leg of 16 degrees (varus deformity) with external rotation following fractures of the tibia and fibula. The malalignment affects the function of the entire leg. The current Standards do not address this malalignment. The Director assigns an impairment value of 26% of the left leg. This value shall be combined with any other ratable impairment findings. Notwithstanding OAR 436-035-0003, this rule applies only to WCD file no. I84-4190.**

**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)  
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)

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

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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 01/15/99 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)**

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