### 2005 Legislative Summary

If you have questions about this document, please contact John Hofer, Policy Section Manager, Workers’ Compensation Division, (503) 947-7506.

<table>
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<tr>
<th>Bill Number</th>
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<tr>
<td>HB 2091</td>
<td>Modifies review process of certain decisions by Director of Department of Consumer and Business Services in workers’ compensation claims.</td>
<td>1/1/06 (applies to hearings held on/after 1/2/06)</td>
<td>Chapter 26</td>
<td>Sec. 1 – 656.054</td>
<td>OAR 436-001 &amp; OAR 436, divisions/rules: 009-0008, 010-0005, 0008, 0220, 015-0008, 045-0008, 050-0008, 055-0008, 060-0008, 070-0008, 075-0008, 085-0008, 120-0008, 130-0050, 140-0008, 150-0008. Bulletin 285 Form 2839</td>
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<td>HB 2206</td>
<td>Modifies laws governing procedure for amending administrative rules. Requires that notice of proposed rule amendment show changes by striking through material to be deleted and underlining new material, or by other method that clearly shows new and deleted material. Imposes similar requirement for amended rules submitted to Legislative Counsel.</td>
<td>1/1/06</td>
<td>Chapter 18</td>
<td>Sec. 1 - 183.335</td>
<td>WCD will use <strong>bold/underline</strong> for new text and <em>strike-through</em> for deleted text, on a trial basis.</td>
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**Notes:**
- **Bold/underline** indicates new text.
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| HB 2294     | Clarifies procedures related to workers’ compensation claims for new or omitted medical conditions. Establishes hearing rights for orders issued under own motion authority of Workers' Compensation Board. | 1/1/06 (all claims, regardless of DOI, unless order is final) | Chapter 188 | Sec. 1 – 656.267  
Sec. 2 – 656.278  
Sec. 3 – 656.298 | No effect on chapter 436. However, due to effect on Workers’ Compensation Board rules (OAR chapter 438) Bulletin 195 and Forms 1966, 2066, and 3501 have been updated. |
| HB 2404     | Modifies provisions under which insurer or self-insured employer may not be assessed penalty upon reconsideration of closure of workers’ compensation claim. | 1/1/06 | Chapter 569 | Sec. 1 – 656.268  
Sec. 2 – 656.268 (sunset) | 436-030-0175(2) |
| HB 2405     | Revises process to start an aggravation claim. Upon receipt of an aggravation form (Form 440-827), the insurer or self-insured employer must process the claim. | 1/1/06 | Chapter 50 | Sec. 1 – 656.273 | 436-010-0240  
436-060-0140 and 0150  
Bulletin 292  
Forms 827 |
| HB 2408     | Modifies provisions relating to impairment and permanent partial disability for purposes of workers’ compensation benefits. Directs Department of Consumer and Business Services to collect data and report to Legislative Assembly on impact on permanent partial disability awards due to changes in law. | 1/1/06 | Chapter 653 | Sec. 1 – 656.726  
Sec. 2 – 656.726 (sunset)  
Sec. 2a – 656.726 (conflict amd. with HB 2091, repeals sec. 2 of HB 2408, replaces it with Sec. 2a of HB 2408)  
Sec. 3 – 656.214  
Sec. 4 – 656.214 (sunset)  
Sec. 5 – applicability (DOI after 1/1/06)  
Sec. 6 – applicability of sunset language (1/1/08)  
Sec. 6a – conflict amd. with HB 2091  
Sec. 7 – DCBS study of PPD and report to 2007 legislature. | OAR 436-035-0009 and OAR 436-030-0575(3)  
Bulletin 139  
Form 2807 |
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| HB 2717     | Requires that postponed workers' compensation hearing be held no later than 120 days after date of postponed hearing. Provides exceptions. Extends time period and provides exceptions for required prior notice of time and place of hearing. Increases limitation on biennial expenditures for purposes of Act by Department of Consumer and Business Services from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by department. | 1/1/06 | Chapter 624 | Sec. 1 – 656.283  
Sec. 2 – applic. clause  
Sec. 3 – appropriation | No effect on OAR chapter 436. |
| HB 2718     | Authorizes certain public utilities to obtain workers' compensation excess insurance coverage from eligible surplus lines insurers. | 1/1/06 | Chapter 189 | Sec. 1 – 656.430 | OAR 436-050-0170(1) |
| HB 3238     | Establishes requirements for proposed rule statement of cost of compliance effects on small businesses. Requires that agency review rule within five years after adoption of rule. Establishes procedure for review by agency advisory committee of fiscal impact of proposed rule. Makes other changes regarding adoption of rules. | 1/1/06 | Chapter 807 | Sec. 1 – new law (ch. 183)  
Sec. 2 – new law (ch. 183)  
Sec. 3 – new law (ch. 183)  
Sec. 4 – 183.333  
Sec. 5 – 183.335  
Sec. 6 – 183.540  
Sec. 7 – applicability | Affects all State of Oregon rule-making |
| HB 3318     | Increases amount employer may pay for medical services in nondisabling claim from $500 to $1,500. | 1/1/06 | Chapter 511 | Sec. 1 – 656.262  
Sec. 2 – 656.262 (sunset) | OAR 436-060-0055  
Bulletin 209 |
| SB 119      | Authorizes Director of Department of Consumer and Business Services to provide assistance directly to certain injured workers through Reemployment Assistance Program. Provides for reimbursement from the Workers' Benefit Fund of the insurer's vocational assistance costs incurred after the insurer appeals an administrative order to provide such assistance (if the insurer prevails). | 1/1/06 | Chapter 588 | Sec. 1 – 656.622  
Sec. 2 – 656.262 (sunset)  
Sec. 3 – 656.262  (sunset)  
Sec. 4 – 656.313  
Sec. 5 – 656.605 | OAR 436-110-0002  
OAR 436-120-0755 |
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<td>SB 172</td>
<td>Changes date for beginning reconsideration period for workers' compensation claim when reconsideration is requested by insurer or self-insured employer. Authorizes Director of Department of Consumer and Business Services to impose civil penalty for violation of certain statutes. Repeals authority of employer to require preemployment physical by doctor designated by director.</td>
<td>1/1/06 (amendments to 656.268 apply to notices of closure on/after 1/1/06)</td>
<td>Chapter 221</td>
<td>Sec. 1 – 656.268</td>
<td>OAR Chapter 436 will be updated on an ongoing basis to reflect the director's authority to enforce statutes.</td>
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<td>SB 311</td>
<td>Requires Director of Department of Consumer and Business Services to adopt rules applicable to independent medical examinations for workers' compensation claims. Requires director to develop or approve training curriculum used by insurers, self-insured employers and third party administrators that is related to interactions with independent medical examination providers. Requires director to maintain list of providers authorized to perform independent medical examinations for workers' compensation claims. Requires director to adopt rules relating to professional licensing training requirements and educational materials for physicians participating in workers' compensation system and conducting required medical examinations. Requires director to adopt process for investigation of complaints about medical examinations. Increases limitation on expenditures for Department of Consumer and Business Services for biennium beginning July 1, 2005, for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by department for specified purposes.</td>
<td>1/1/06 (registry operative 7/1/06)</td>
<td>Chapter 675</td>
<td>Sec. 1 – 656.325 (sunset)</td>
<td>436-010 (especially rule 0265) 436-055 436-060 (especially rule 0095) Bulletin 112 Bulletin 252 Form 2333 Potential for new forms, bulletins, and other publications</td>
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| SB 323      | Redefines 'independent contractor' for laws relating to income tax, workers' compensation, unemployment insurance, architects, landscape contractors, construction contractors and others. Specifies that for purposes of unemployment insurance provisions, 'employment' does not include services performed by certain media personnel. Establishes process for interim legislative committee to study and develop criteria for exempting other employees from definition of 'employment' in unemployment insurance statutes. | 1/1/06 | Chapter 533 | Sec. 1 – 670.600
Sec. 2 – 670.600 (sunset)
Sec. 3 – 670.605
Sec. 3a - (conflict amendment for 670.605)
Sec. 4 – 657.040
Sec. 5 – Repeals 314.013
Sec. 6 – 310.800
Sec. 7 – 316.162
Sec. 8 – new language for chapter 657
Sec. 9 – new language for chapter 657
Sec. 10 – applicability clause
Sec. 11 – interim committee study | This bill will not directly affect OAR chapter 436. However, the Workers’ Compensation Division will participate on the implementation steering committee with its sister agencies. |
| SB 386      | Modifies process for reexamination of claim in which permanent total disability benefits are being paid and criteria for termination of those benefits. Requires that medical examinations or vocational evaluations used to support termination of benefits include at least one report in which author personally observed worker. Authorizes Administrative Law Judge to request medical arbiter examination. Establishes eligibility for vocational benefits for worker when permanent total disability benefits are terminated. | 1/1/06 (all claims regardless of date of injury) | Chapter 461 | Sec. 1 – 656.206
Sec. 2 – 656.206 (sunset)
Sec. 3 – 656.268
Sec. 4 – 656.268 (sunset)
Sec. 5 – 656.605
Sec. 6 – 656.319
Sec. 7 – applicability clause | 436-030
436-060-0510
436-120-0320(11)
Bulletin 139
Form 1644p |
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<td>SB 433</td>
<td>Makes owners or leaseholders of certain motor vehicles used for transportation of property nonsubject workers for purposes of workers' compensation statutes.</td>
<td>1/1/06</td>
<td>Chapter 167</td>
<td>Sec. 1 – 656.027</td>
<td>The statute is sufficient; no rule impact.</td>
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<td>SB 670</td>
<td>Requires Director of Department of Consumer and Business Services to review and approve certain treatment standards for care provided to injured workers by managed care organization. Requires managed care organization plan to allow attending physician to advocate for medical services and temporary disability benefits for certain injured workers as prerequisite for certification.</td>
<td>1/1/06</td>
<td>Chapter 364</td>
<td>Sec. 1 –656.260</td>
<td>OAR 436-015</td>
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