



MEMORANDUM

June 20, 2017

To: Fred Bruyns
From: Julia Hier
Subject: OAR 436-030-0035 and *Brown Rule* Changes

Today it was identified that the temporary rules and proposed permanent rules have changed OAR 436-030-0035(1)(a) to reference “direct medical sequelae” rather than the former reference to “direct medical sequela.” Similar language is used in section (b) through (d) of the rule, but the language was not changed to the plural version in these sections. **To correct the grammatical error and to maintain consistency throughout the rules, it is recommended these sections also be changed to reference “direct medical sequelae” rather than the former reference to “direct medical sequela.”** Details are below. The highlights are only to draw the readers attention to the relevant parts of the rule.

Current Temporary Rule and Current Proposed Permanent Rule (without the recommended changes noted above)

(1) A worker is medically stationary in the following circumstances:

(a) **In initial injury claims.** In an initial injury claim, a worker is medically stationary when the attending physician, authorized nurse practitioner, or a preponderance of medical opinion declares that all accepted conditions, and **direct medical sequelae** of accepted conditions, ~~and conditions directly resulting from the work injury~~ are either “medically stationary” or “medically stable” or when the provider uses other language meaning the same thing.

(b) **In new or omitted condition claims.** In a new or omitted condition claim, a worker is medically stationary when the attending physician, authorized nurse practitioner, or a preponderance of medical opinion declares that all accepted new or omitted conditions and **direct medical sequela** of accepted new or omitted conditions are either “medically stationary” or “medically stable” or when the provider uses other language meaning the same thing.

(c) **In aggravation claims.** In an aggravation claim, a worker is medically stationary when the attending physician, authorized nurse practitioner, or a preponderance of medical opinion declares that all accepted worsened conditions and **direct medical**

sequela of accepted worsened conditions are either “medically stationary” or “medically stable” or when the provider uses other language meaning the same thing.

(d) **In occupational disease claims.** In an occupational disease claim, a worker is medically stationary when the attending physician, authorized nurse practitioner, or a preponderance of medical opinion declares that all accepted occupational diseases and **direct medical sequela** of accepted occupational diseases are either “medically stationary” or “medically stable” or when the provider uses other language meaning the same thing.

Implementing Recommendation above for Proposed Permanent Rule

(1) A worker is medically stationary in the following circumstances:

(a) **In initial injury claims.** In an initial injury claim, a worker is medically stationary when the attending physician, authorized nurse practitioner, or a preponderance of medical opinion declares that all accepted conditions, and **direct medical sequelae** of accepted conditions, ~~and conditions directly resulting from the work injury~~ are either “medically stationary” or “medically stable” or when the provider uses other language meaning the same thing.

(b) **In new or omitted condition claims.** In a new or omitted condition claim, a worker is medically stationary when the attending physician, authorized nurse practitioner, or a preponderance of medical opinion declares that all accepted new or omitted conditions and **direct medical sequelae** of accepted new or omitted conditions are either “medically stationary” or “medically stable” or when the provider uses other language meaning the same thing.

(c) **In aggravation claims.** In an aggravation claim, a worker is medically stationary when the attending physician, authorized nurse practitioner, or a preponderance of medical opinion declares that all accepted worsened conditions and **direct medical sequelae** of accepted worsened conditions are either “medically stationary” or “medically stable” or when the provider uses other language meaning the same thing.

(d) **In occupational disease claims.** In an occupational disease claim, a worker is medically stationary when the attending physician, authorized nurse practitioner, or a preponderance of medical opinion declares that all accepted occupational diseases and **direct medical sequelae** of accepted occupational diseases are either “medically stationary” or “medically stable” or when the provider uses other language meaning the same thing.