

**Extracts from OAR chapter 436**  
**For discussion by advisory committee, 4/20/2017**

**436-060-0020      Payment of Temporary Total Disability Compensation**

\* \* \*

**(2) Persons who have withdrawn from the workforce.**

No temporary disability is due and payable for any period of time in which the person has withdrawn from the workforce. For the purpose of this rule, a person who has withdrawn from the workforce, includes, but is not limited to:

(a) A person who, before reopening under ORS 656.267, 656.273 or 656.278, was not working and had not made reasonable efforts to obtain employment, unless such efforts would be futile as a result of the compensable injury.

\* \* \*

**436-060-0030      Payment of Temporary Partial Disability Compensation**

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**(3) If the worker fails to begin employment.**

Except when the worker refuses modified work under ORS 656.268(4)(c), the insurer must stop paying temporary total disability compensation and start paying temporary partial disability compensation as if the worker had begun the employment from the date a worker fails to begin regular or modified employment, and the following conditions have been met:

(a) The employer or insurer:

\* \* \* (C) Asks the attending physician or authorized nurse practitioner if the worker can, as a result of the compensable injury, physically commute to and perform the job.

(b) The attending physician or authorized nurse practitioner has agreed the employment appears to be within the worker's capabilities, and considering the compensable injury the worker is physically able to commute the lesser of: \* \* \*

**436-120-0145      Vocational Assistance Eligibility**

\* \* \*

(2) A worker is eligible for vocational assistance if all of the following conditions are met:

\* \* \*

(c) As a result of the limitations caused by the injury or aggravation, the worker:

(A) Is not able to return to regular employment;

(B) Is not able to return to suitable and available work with the employer at injury or aggravation; and

(C) Has a substantial handicap to employment and requires assistance to overcome that handicap;

\* \* \*

**436-120-0157      Determining Substantial Handicap to Employment**

\* \* \*

(2) To complete the substantial handicap evaluation the counselor must submit a report documenting the following information about the worker:

\* \* \*

(d) Permanent limitations due to the injury; \* \* \*

**436-120-0175      Redetermining Eligibility for Vocational Assistance**

If a worker was previously determined ineligible for vocational assistance or the worker's eligibility for vocational assistance ended, the insurer must redetermine eligibility within 30 days of notification of a change of any of these circumstances:

\* \* \*

(6) Before claim closure, the worker's limitations due to the injury became more restrictive;