



Oregon

Kate Brown, Governor

Exhibit 1

Workers' Compensation Board

2601 25th Street SE, Suite 150

Salem, OR 97302-1280

503-378-3308

1-877-311-8061

www.wcb.oregon.gov

August 29, 2018

RECEIVED

AUG 31 2018

William Replogle
Attorney at Law
Bohy Conratt LLP
8625 SW Cascade Ave Ste 405
Beaverton OR 97008

bohy conratt, llp

Re: Review of OAR 438-011-0055 (Third Party Election Letter)

Counsel:

Pursuant to ORS 183.405, the Board is required to conduct a "five-year" review of any administrative rule adopted after 2005. Consistent with its statutory obligation, because the aforementioned rule was adopted on December 3, 2013, the Board is reviewing OAR 438-011-0055 ("Third Party Election" letter), with accompanying Bulletin 2 and Third Party Enclosure form. Copies of the rule (including its Order of Adoption, Statement of Need, and Fiscal Impact), bulletin and form are enclosed.

To assist in its review, the Board is seeking written comments from members of its Advisory Committee regarding this rule, as well as from any party/practitioner that offered comments during the rulemaking process. Because of your involvement in the rulemaking process regarding OAR 438-011-0055, the Board is requesting your response to the following questions:

1. Did the rule achieve its intended effect?

UNKNOWN

2. Was the anticipated fiscal impact of the rule underestimated or overestimated?
(See enclosed "Statement of Need and Fiscal Impact," pages 2-3).

UNKNOWN

3. Have any subsequent changes in the law required that the rule be repealed or amended?

NO

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4. Is there continued need for the rule?

NOT SURE

boby conratt, Hp

5. What impacts has the rule had on small business?

UNKNOWN

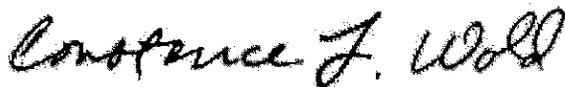
WRR 9-4-18

You are welcome to write your comments in the spaces provided above, or to send your own letter addressing these matters. That letter should be directed to Kayleen Atkins, WCB Executive Secretary, 2601 25th St. SE, Ste. 150, Salem, OR 97302-1280. You may also send your comments by fax to (503) 373-1684, or by email to kayleen.r.atkins@oregon.gov. The deadline for the Board's receipt of these comments is October 31, 2018.

After reviewing this rule, the Board will provide a report to the Secretary of State. A copy of that report will also be posted on the Board's website, as well as provided to all Advisory Committee Members and to all of those who respond to this letter.

Thank you for your assistance.

Sincerely,



Constance L. Wold, Chair
Workers' Compensation Board

CW:GL:RCP:kb

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Enclosures