

Secretary of State
Certificate and Order for Filing

PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on August 14, 2012 by the
Date prior to or same as filing date

Department of Consumer & Business Services/Workers' Compensation Board	Chapter 438	
Agency and Division	Administrative Rules Chapter Number	
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Rules Coordinator	Address	Telephone

to become effective November 1, 2012 Rulemaking Notice was published in the June 2012 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

OAR Chapter 438 provisions for electronic filing, service, and notification of specified matters.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 438-005-0046; OAR 438-005-0050; OAR 438-005-0055; OAR 438-005-0070; OAR 438-007-0015;
OAR 438-009-0015; OAR 438-009-0022; OAR 438-009-0025; OAR 438-009-0028; OAR 438-009-0030; OAR 438-011-0005;
OAR 438-011-0020; OAR 438-012-0016; OAR 438-020-0010.

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 656.726(5)



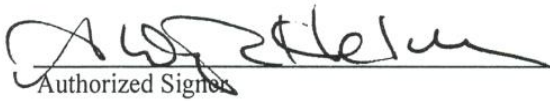
Other Auth.:

Stats. Implemented: ORS 45.273; ORS 45.275; ORS 45.285; ORS 45.288; ORS Chapter 84; ORS 656.236; ORS 656.262(6), (15);
ORS 656.278(1); ORS 656.283(1); ORS 656.289(3), (4); ORS 656.295(1), (2), (5); ORS 656.307.

RULE SUMMARY

After considering the report from the Technology Advisory Committee, the Board proposes to: (1) amend OAR 438-005-0046(1) and (2) to provide for e-mail and website portal filing/service of requests for hearing, Board review, extension of a briefing schedule under OAR 438-011-0020, or waiver of the Board's rules under OAR 438-011-0030, and add section (4) to provide for electronically transmitted signatures; (2) amend OAR 438-005-0050(2) and OAR 438-005-0055(1), (2) to add reference to the Ombudsman for Injured Workers and toll-free number in the notice provisions and to provide for physical delivery, FAX (and the Board's FAX number), and e-mail filing (and the Board's e-mail address) in the hearing rights notices to accompany a carrier's response to

objection to a notice of claim acceptance, and notices of denials based on compensability and noncooperation, respectively; (3) amend the following rules to replace references to "mailing" with references to "service": OAR 438-005-0070 and OAR 438-011-0005(2); (4) amend the following rules to add "delivering"/"delivered" as a means of notification in addition to "mailing"/"mailed," respectively: OAR 438-007-0015(2), (3), and OAR 438-0012-0016; (5) amend OAR 438-009-0015(5) and OAR 438-009-0025(1) to remove the requirement of the original settlement document and claim disposition agreement, respectively; (6) amend OAR 438-009-0022(4)(h) to update the Ombudsman's title and phone number; (7) amend OAR 438-009-0028 and OAR 438-009-0030 concerning methods to notify parties and practitioners of the approval of claim disposition agreements; (8) amend OAR 438-011-0005(2) to provide that copies of a request for Board review of an ALJ's order shall be "served on" all parties "to the proceeding"; (9) amend OAR 438-011-0020(2) to replace references to "mailing" with references to "filing" and to provide that the briefing schedule begins from the date of the Board's Notice of Briefing; (10) amend OAR 438-011-0020(3) to provide that briefing extensions will be allowed only on written request filed "pursuant to OAR 438-005-0046(1)"; and (11) amend OAR 438-020-0010 to add the Board's website portal and website Online Services page as additional preferred methods of notification that an interpreter is needed.



Authorized Signer

Abigail L. Herman
Printed name

8/20/12
Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday. ARC 930-2005