

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)



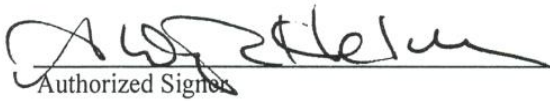
**Other Auth.:**

**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