



Oregon

Kate Brown, Governor

Workers' Compensation Board

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March 20, 2020

TO WHOM IT MAY CONCERN:

Enclosed are copies of rulemaking materials regarding permanent rule amendments adopted by the Board in its March 6, 2020 Order of Adoption (WCB Admin. Order 1-2020). Highlights of the rule amendments include:

- Adding a definition (“client paid fee”) to describe fees paid by an insurer or self-insured employer to its attorney. OAR 438-015-0005.
- Adopting a rule regarding fees for attorneys representing insurers and self-insured employers. OAR 438-0015-0015.
- Adding language based on ORS 656.388(5) to the “rule-based factors” in determination of an assessed fee: “The necessity of allowing the broadest access to attorneys by injured workers,” and “Fees earned by attorneys representing the insurer/self-insured employer, as compiled in the Director’s annual report pursuant to ORS 656.388(7) of attorney salaries and other costs of legal services incurred by insurers/self-insured employers under ORS Chapter 656.” OAR 438-015-0010(4) (g), (h).
- Increasing the hourly rate for an attorney’s time spent during an interview or deposition under ORS 656.262(14)(a) from \$275 to \$350, plus an annual adjustment commensurate with changes in the state average weekly wage. OAR 438-015-0033.

These amendments are effective June 1, 2020, and apply in the manner described in the Order of Adoption.

Constance L. Wold
Board Chair

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Enclosures

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