

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 December 4, 2014 by the
Date prior to or same as filing date

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

to become effective January 1, 2015 . Rulemaking Notice was published in the November 2014 Oregon Bulletin.
Date upon filing or later Month and Year

RULE CAPTION

Eliminates requirement of notice by "mail" for hearing request acknowledgment and expedited claim hearing notice.

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 438-006-0020; OAR 438-013-0025.

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 656.726(5)(a), (b).

Other Auth.:

Stats. Implemented: ORS 656.283(3), (4)(a), (b), ORS 656.291.

RULE SUMMARY

As part of its comprehensive review of OAR Chapter 438 rules, the Board invited public comment, which ultimately resulted in the appointment of an Advisory Committee on Technology. Among other recommendations, the Technology Committee suggested that OAR 438-006-0020 be amended to allow the Hearings Division to acknowledge receipt of a request for hearing by electronic means, in addition to acknowledgment "by mail," as currently required under that rule. After considering this suggestion, along with the further development of its website portal in handling other electronic communications, the Board proposed to amend OAR 438-006-0020 to eliminate the requirement that the Hearings Division acknowledge receipt of a request for hearing "by mail." The Board proposed this amendment to permit the Hearings Division to acknowledge receipt of a request for hearing by mail, website portal, or other means. In addition, in conjunction with this proposed change, the Board proposed to amend OAR 438-013-0025, which concerns notice of hearing date for expedited service claims, to change references from "mail" and "mailing" to "distribute" and "distributing." This proposed amendment would eliminate the requirement that all hearing notices be mailed and permit such notice by mail, website portal, or other means.


Authorized Signer

Holly J. Somers
Printed name

12/10/14
Date

Note: Permanent rulemakings must be submitted by the 15th day of the month to be included in the next month's *Oregon Bulletin* and online *OAR Compilation* updates.