

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Dept. of Consumer and Business Services,
Workers' Compensation Board

OAR Chapter 438

Agency and Division

Administrative Rules Chapter Number

Kayleen Atkins

2601 25th St. SE, Ste. 150, Salem, OR 97302-1280

(503) 934-0123

Rules Coordinator

Address

Telephone

RULE CAPTION

Amends OAR 438-007-0020(6)(b), regarding the filing of objections to subpoenas, responses to objections, and compliance.

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

August 23, 2019

10 a.m.

2601 25th St. SE, Ste. 150, Salem, OR 97302-1280

Trisha Fleischman

Hearing Date

Time

Location

Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

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

ADOPT:

AMEND: OAR 438-007-0020(6)(b)

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 656.726(5)

Other Auth.:

Stats. Implemented: ORS 656.283(7), ORS 656.724(4), ORS 656.726(2)(c)

RULE SUMMARY

After their June 18, 2019, public meeting, based on consideration of the Advisory Committee's February 25, 2019, report and comments from parties and practitioners, the Board Members propose to amend OAR 438-007-0020(6)(b). Specifically, the Members propose to amend the required language for subpoenas to provide for a ten-day objection period, to include additional language that notifies the subpoena recipient of its obligations if an objection is filed (which is currently contained in OAR 438-007-0020(6)(f)), and to explain when compliance with a subpoena is achieved.

Request for public comment: The Board Members request public comment on whether other options should be considered for achieving the amended rule's substantive goals while reducing the negative economic impact of the rule on business.

Pending the hearing, written comments regarding these rules may be submitted for admission into the record by directing such comments by mail, FAX (503-373-1684), e-mail (rulecomments.wcb@oregon.gov), or by means of hand delivery to any permanently staffed Board office. The comments may be addressed to the attention of Trisha Fleischman, Rulemaking Hearing Officer, Workers' Compensation Board, 2601 25th St. SE, Ste. 150, Salem, OR 97302-1280.

August 23, 2019

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Constance L. Wold Constance L. Wold
Signature Printed name
6/25/19
Date

*Hearing Notices published in the Oregon Bulletin 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, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

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