

Administrative Rule Review

Presently the Board Members are conducting a plenary review of the rules of practice and procedure found in Chapter 438 of the Oregon Administrative Rules. In conducting this review, the Members plan to discuss comments regarding the Board's administrative rules that have been received from the workers' compensation community. Those discussions will be held at monthly meetings, which will be convened over the next six months.

At those meetings, the Members will not be proposing the adoption of any new or amended rules. Instead, following their discussion of these "rule review" comments, the Members may choose one or more of the following options: (1) take no further action concerning the comment; (2) refer the comment to staff for further research or draft language for a rule amendment; (3) defer action for further deliberation concerning the comment or rule; or (4) refer the comment, concept, or rule to an advisory committee for a recommendation.

The comments have been arranged in a manner coinciding with the Board's existing rules, as well as the general theme of the particular comment. The arrangement is as follows: "Hearings Division"; "Attorney Fees"; "Technology"; "Own Motion"; "Miscellaneous."

Set forth below is a tentative outline and schedule for these meetings:

A. Hearings Division comments as follows:

- 1. Public Board meeting was held on March 31, 2011 wherein the Members discussed rules OAR 438-005-0053 to OAR 438-006-0075 [see attachment](#). Minutes of the March 31 meeting have been posted on the website.
<http://www.cbs.state.or.us/wcb/2011/minutes/033111mn.pdf>**
- 2. Public Board meeting was held on April 27, 2011 wherein the Members discussed OAR 438-006-0062 [see attachment 1](#) and OAR 438-006-0081 to OAR 438-006-0115 [see attachment 2](#). Minutes of the April 27 meeting have been posted on the website.
<http://www.cbs.state.or.us/wcb/2011/minutes/042711mn.pdf>**

3. Public Board meeting was held on May 26, 2011 to discuss OAR 438-007-0005 to OAR 438-007-0023 [see attachment 1](#), OAR 438-006-0105 [see attachment 2](#), and OAR 438-006-0081 and OAR 438-006-0091 [see attachment 3](#). Minutes of the May 26 meeting have been posted on the website.
<http://www.cbs.state.or.us/wcb/2011/minutes/052611mn.pdf>
- B. Public Board meeting was held on June 23, 2011 to discuss Division 15 rules (attorney fees, liens, costs) comments. See [attachment 1](#), [attachment 2](#), [attachment 3](#), [attachment 4](#). Minutes of the June 23 meeting have been posted on the website.
<http://www.cbs.state.or.us/external/wcb/2011/minutes/062311mn.pdf>
- C. Public Board meeting was held on July 26, 2011 to discuss remaining rule review comments concerning OAR 438 Division 15 rules (attorney fees, liens, costs) and an amendment regarding OAR 438-009-0010(5)(d) (Disputed Claim Settlements) that address statutory amendments resulting from SB 173 which becomes effective January 1, 2012 [see attachment](#). Comments regarding OAR 438-015-005(7), -0010, and “statement of services” concept were previously addressed and resolved at the June 23 meeting. Minutes of the July 26 meeting have been posted on the website.
<http://www.cbs.state.or.us/external/wcb/2011/minutes/072611mn.pdf>
- D. Public Board meeting was held on September 22, 2011 to discuss technology-related comments (email filing, electronic signatures, etc.) [see attachment](#). Minutes of the September 22 meeting have been posted on the website.
<http://www.cbs.state.or.us/external/wcb/2011/minutes/092211mn.pdf>
- E. Public Board meeting was held on October 27, 2011, to discuss Own Motion-related comments regarding OAR 438-007-0027, and OAR 438-012-0001(3) to OAR 438-012-0062 [see attachment](#). Minutes of the October 27 meeting have been posted on the website.
<http://www.cbs.state.or.us/external/wcb/2011/minutes/102711mn.pdf>
- F. Public Board meeting was held on December 8, 2011, to discuss various miscellaneous comments (new rule concepts, Board review, mediation, third party cases, etc.) [see attachment](#).

G. Tentative public Board meeting set for February 23, 2012, from 10 am - 12 pm to discuss third party comments (OAR 438-011-0050).
[see attachment](#)