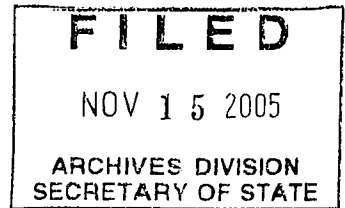


Secretary of State  
Certificate and Order for Filing  
PERMANENT AND ADMINISTRATIVE RULES



I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on

November 10, 2005 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

Vicky Scott (503) 378-3308  
Rules Coordinator Telephone

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

to become effective January 1, 2006. Rulemaking Notice was published in the October 2005 Oregon Bulletin.\*\*  
Date upon filing or later Month and Year

**RULEMAKING ACTION**  
List each rule number separately, 000-00-0000.

**ADOPT:**

**AMEND:** OAR 438-005-0005, OAR 438-005-0011, OAR 438-005-0050, OAR 438-005-0053,  
OAR 438-005-0055, OAR 438-012-0001, OAR 438-012-0018, OAR 438-012-0020, OAR 438-012-0030,  
OAR 438-012-0035, OAR 438-012-0036, OAR 438-012-0037, OAR 438-012-0050, OAR 438-012-0055,  
OAR 438-012-0060.

**REPEAL:** OAR 438-012-0024, OAR 438-012-0070, OAR 438-012-0075, OAR 438-012-0080,  
OAR 438-012-0085, OAR 438-012-0090, OAR 438-012-0095, OAR 438-012-0100.

**AMEND AND RENUMBER:**

Stat. Auth.: ORS 656.726(5).

Stats. Implemented: ORS Chapter 183; ORS Chapter 656; House Bill 2294 (2005), ORS 656.267,  
ORS 656.278, ORS 656.283, ORS 656.295; ORS 656.298.



**RULE SUMMARY**

Repeal and amend Division 012 rules to implement House Bill 2294 (2005) (HB 2294), regarding the processing of "post-aggravation rights" new or omitted medical condition claims under ORS 656.267. Amends "Own Motion" claim processing for "worsened condition" and "post-aggravation rights" new or omitted medical condition claims, after disputed condition has "been determined to be compensable." Amends Division 005 rules by updating the period for timely issuance of responsibility denials under ORS 656.262, amending the Board's zip code in "notices," and amending references to renumbered statutes. Amends the "effective date" for both Division 005 and 012 rules to "January 1, 2006."

Abigail L. Herman, Board Chair

11/14/05  
Date

\* Copies include a photocopy of this certificate with paper and electronic copies of each rule listed in the Rulemaking Action.  
\*\* The Oregon Bulletin is published on the 1<sup>st</sup> of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15<sup>th</sup> day of the month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday. ARC 930-1997.