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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 December 6, 2007 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

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Rules Coordinator Address Telephone

to become effective January 1, 2008. Rulemaking Notice was published in the November 2007 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

CDA/ALJ-Mediator Approval; Cost Bills/Attorney Fee Liens; Hearing Notice; Own Motion (Attorney Fees and TTD Suspension).

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

RULEMAKING ACTION

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

ADOPT: OAR 438-015-0019; OAR 438-015-0022.

AMEND: OAR 438-005-0046; OAR 438-005-0050; OAR 438-005-0055; OAR 438-006-0020;
OAR 438-006-0100; OAR 438-009-0005; OAR 438-009-0010; OAR 438-009-0020; OAR 438-009-0022;
OAR 438-009-0025; OAR 438-009-0028; OAR 438-009-0030; OAR 438-009-0035; OAR 438-011-0020;
OAR 438-012-0035; OAR 438-015-0005; OAR 438-015-0080; OAR 438-019-0030.

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

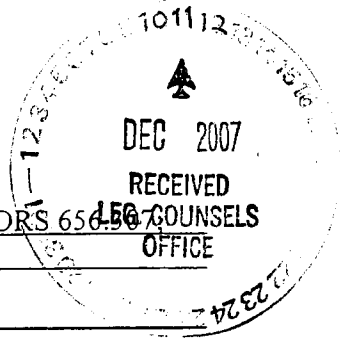
Stat. Auth.: ORS 183.310 to ORS 183.410; ORS 656.278; ORS 656.283; ORS 656.295; ORS 656.313(4);
ORS 656.388; ORS 656.593; ORS 656.726(5).

Other Auth.:

Stats. Implemented: SB 253; SB 404; ORS 9.320; ORS 656.236; ORS 656.262(4), (6), (15);
ORS 656.267(3); ORS 656.268; ORS 656.283; ORS 656.289; ORS 656.295; ORS 656.313(4);
ORS 656.325; ORS 656.386; ORS 656.388; ORS 656.726(5).

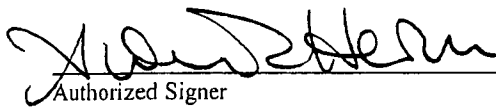
RULE SUMMARY

Adopts and amends rules to implement SB 253 (ALJ-mediator approval of Claim Disposition Agreements (CDAs)) and SB 404 (cost bills and attorney fee liens) and amends the briefing extension rule (OAR 438-011-0020(3)). Amends OAR 438-006-0020 to provide not less than 60 days notice of a hearing in compliance with ORS 656.283(5)(a); amends OAR 438-006-0100(3)(a) to reflect renumbering and title changes in the Supreme Court rules; amends



OAR 438-009-0022(3)(f) to delete requirement for the worker's social security number in a CDA in accordance with SB 583; deletes the Own Motion suspension rule (OAR 438-012-0035(6)) in compliance with *Jordan v. SAIF*, 343 Or 208 (August 30, 2007); changes the out-of-compensation attorney fee rules for Own Motion cases (OAR 438-015-0080(1), (2)); deletes the Own Motion attorney fee rules regarding "post-aggravation rights" new or omitted medical condition claims; and updates telephone numbers and addresses.

These amendments are effective January 1, 2008 and apply as follows. Amendments to OAR 438-005-0046, OAR 438-009-0020, OAR 438-009-0022, OAR 438-009-0025, OAR 438-009-0028, OAR 438-009-0030, and OAR 438-009-0035 apply to all claim disposition agreements filed on or after January 1, 2008. Amendments to OAR 438-005-0050 and OAR 438-005-0055 apply to all notices of claim acceptance and notices of claim denial issued on or after January 1, 2008. Amendments to OAR 438-006-0020 and OAR 438-006-0100 apply to all cases pending before the Hearings Division on or after January 1, 2008. Amendments to OAR 438-009-0005 apply to all settlement stipulations filed on or after January 1, 2008. Amendments to OAR 438-009-0010 apply to all disputed claim settlements filed on or after January 1, 2008. Amendments to OAR 438-011-0020 apply to briefing extension requests filed on or after January 1, 2008. Amendments to OAR 438-012-0035 and OAR 438-015-0080 apply to all Own Motion claims existing on or after January 1, 2008. Amendments to OAR 438-015-0005 and OAR 438-015-0019 apply to all claims in which the order on compensability of the claim denial has not become final on or before January 1, 2008. Amendments to OAR 438-015-0022 apply to all claims in which an order that grants attorney fees is issued after January 1, 2008, regardless of the date of injury. Amendments to OAR 438-019-0030 apply to all mediations pending on or after January 1, 2008.



Abigail L. Herman, Board Chair

Printed name

12/10/2007

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings 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, when filings are accepted until 5:00 pm on the preceding workday. ARC 930-2005