



# Oregon

Theodore R. Kulongoski, Governor

## Department of Consumer and Business Services

Workers' Compensation Division

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September 2, 2004

To: Workers' compensation insurers, self-insured employers, service companies

Subject: Quarterly review of vocational eligibility determinations

The Workers' Compensation Division (WCD) will immediately begin a quarterly review of vocational eligibility evaluations to ensure that workers entitled to eligibility evaluations are evaluated and notified of their eligibility or ineligibility for vocational assistance. A review of cases closed in the first quarter of 2004 will begin on or about September 1, 2004. A review of cases closed in the second quarter will begin on or about October 1, 2004. Reviews of subsequent quarters will begin 60 to 90 days after the close of each quarter. WCD will first review cases to identify those cases that appear to have required a vocational evaluation for which no notice was received. Insurers will be sent lists of identified claimants and must submit one of the following for each claimant:

- A copy of a Notice of Eligibility or Notice of Ineligibility previously sent to the worker
- Evidence that an eligibility evaluation is under way, followed within 30 days by a Notice of Eligibility or a Notice of Ineligibility
- Evidence that the worker does not qualify for an eligibility evaluation, pursuant to OAR 436-120-0320(2) because
  - Eligibility was already determined under the current opening of the claim and there are no newly accepted conditions;
  - The worker has returned to regular or other suitable employment **with the employer at injury**;
  - The worker's claim was closed with no permanent disability **and** the worker has no permanent disability as a result of the claim that has been previously awarded or released through a CDA.

A WCD study of 2002 and 2003 cases has shown that a quarter of required eligibility evaluations are not being completed. Based on the sample data results, it appears the failure to determine eligibility may be due to confusion about when eligibility evaluations are required; however, WCD must ensure that workers receive vocational evaluations and assistance if so entitled.

If you have questions regarding this notice, please contact Rand Schledorn, (503)947-7764 or send e-mail to [rand.d.schledorn@state.or.us](mailto:rand.d.schledorn@state.or.us).

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Jerry R Managhan, Deputy Administrator  
Worker's Compensation Division

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