

In the Matter of the ORS 656.245 Medical Services Dispute and the ORS
656.327 Medical Treatment Dispute

Paul E. Ross, Claimant

Contested Case No: H00-111, H01-041

ORDER ON REMAND

July 20, 2004

SAIF CORPORATION, Petitioner

PAUL E. ROSS, Respondent

Before John Shilts, Administrator Workers' Compensation Division

This matter is before the director on remand from the Court of Appeals. *SAIF v. Ross*, 192 Or App 200 (2004). The court reversed and remanded the director's June 13, 2002 Final Order finding that the requirements of a treatment plan, in OAR 436-010-0230, had been satisfied and SAIF was liable for chiropractic treatment provided to claimant by Dr. Watts after March 2000, and awarding attorney fees.

The court originally affirmed. *SAIF v. Ross*, 191 Or App 212 (2003). On reconsideration, the court agreed with SAIF that the letter containing the last elements of the treatment plan was dated January 31, 2001; therefore SAIF is liable only for treatments provided on and after January 1, 2001. The court remanded with instructions to hold accordingly, and otherwise affirmed the final order.

Pursuant to the court's instructions, the director holds that SAIF is responsible for claimant's chiropractic treatments provided by Dr. Watts on and after January 1, 2001. Pursuant to the remainder of the June 13, 2002 Final Order, affirmed by the court, claimant's attorney is entitled to fees, paid by SAIF, in the amounts of \$3,000 (H1-041) and \$3,500 (H00-111).

IT IS SO ORDERED.

DATED this 20th day of July, 2004.