WCB 2-2014

Secretary of State
Certificate and Order for Filing

PERMANENT ADMINISTRATIVE RULES

FILED
12-10-14 11:00 AM
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SECRETARY OF STATE

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 12/04/2014 by the

Department of Consumer and Business Services, Workers' Compensation Board	438
Agency and Division	Administrative Rules Chapter Number
Karen Burton	(503) 934-0123
Rules Coordinator	Telephone
2601 25th St. SE, Suite 150, Salem, OR 97302	
Address	

To become effective 01/01/2015 Rulemaking Notice was published in the December 2014 Oregon Bulletin.

RULE CAPTION

Eliminates requirement of notice by "mail" for hearing request acknowledgment and expedited claim hearing notice.

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 with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:
438-006-0020, 438-013-0025

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:
ORS 656.726(5)(a), (b)

Other Authority:

Statutes Implemented:
ORS 656.283(3), (4)(a), (b), ORS 656.291

RULE SUMMARY

As part of its comprehensive review of OAR Chapter 438 rules, the Board invited public comment, which ultimately resulted in the appointment of an Advisory Committee on Technology. Among other recommendations, the Technology Committee suggested that OAR 438-006-0020 be amended to allow the Hearings Division to acknowledge receipt of a request for hearing by electronic means, in addition to acknowledgment "by mail," as currently required under that rule. After considering this suggestion, along with the further development of its website portal in handling other electronic communications, the Board proposed to amend OAR 438-006-0020 to eliminate the requirement that the Hearings Division acknowledge receipt of a request for hearing "by mail." The Board proposed this amendment to permit the Hearings Division to acknowledge receipt of a request for hearing by mail, website portal, or other means. In addition, in conjunction with this proposed change, the Board proposed to amend OAR 438-013-0025, which concerns notice of hearing date for expedited service claims, to change references from "mail" and "mailing" to "distribute" and "distributing." This proposed amendment would eliminate the requirement that all hearing notices be mailed and permit such notice by mail, website portal, or other means.

Karen Burton	karen.burton@state.or.us
Rules Coordinator Name	Email Address

Authorization Page

Generated on December 10, 2014 10:55AM

PERMANENT ADMINISTRATIVE RULES

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Address	Telephone
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Adopted on	
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Not more than 15 words

RULEMAKING ACTION

ADOPT:

AMEND: 438-006-0020, 438-013-0025

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 656.726(5)(a), (b)

Other Auth.:

Stats. Implemented: ORS 656.283(3), (4)(a), (b), ORS 656.291

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Authorized Signer	Holly J. Somers	12/10/14
	Printed Name	Date

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.

438-006-0020
Acknowledgment; Notice of Conference and Hearing in Ordinary Hearing Process
The Hearings Division shall[*, by mail,*] acknowledge receipt of a request for hearing. Such acknowledgment may include notice of date for an informal prehearing conference pursuant to OAR 438-006-0062 or notice of hearing date. The hearing shall be scheduled for a date that is within 90 days of the request for hearing and not less than 60 days after distribution of a notice of hearing date subject to the exceptions prescribed in ORS 656.283(4)(b).
Stat. Auth.: ORS 656.726(5)(a), (b)
Stats. Implemented: ORS 656.283(3), (4)(a), (b)

438-013-0025
Notice of ~~Hearing~~ Date
The Hearings Division shall distribute a notice of hearing date to all parties and to all other individuals who represent the parties. The hearing shall be scheduled for a date that is not less than 15 days from the distribution of the notice of hearing nor more than 30 days from the date of receipt of the request for hearing by the Hearings Division.
Stat. Auth.: ORS 656.307, 656.388, 656.593 & 656.726(5)
Stats. Implemented: ORS 656.291