

BEFORE THE DIRECTOR OF THE  
WORKERS' COMPENSATION DEPARTMENT  
OF THE STATE OF OREGON

In the Matter of the Amendment of )  
OAR Chapter 436, Workers' Compen- )  
sation Department, Division 54, )  
Rules Governing Claims Administra- )  
tion, Rule 54-320, and Division 61, )  
Rules Governing Vocational Assist- )  
ance to Injured Workers, Rules )  
61-420 and 61-171. )

ORDER OF ADOPTION

**FILED**  
APR 4 1984  
**NORMA PAULUS**  
SECRETARY OF STATE

**REC'D W.C.D.**  
APR 17 1984  
**DIRECTOR'S OFFICE**

The director of the Workers' Compensation Department, pursuant to his general rulemaking authority under ORS 656.726(3) and in accordance with the procedure provided by ORS 183.335, amends OAR Chapter 436, Workers' Compensation Department, Division 54, Claims Administration, Rule 54-320, and Division 61, Vocational Assistance to Injured Workers, Rules 61-171 and 61-420.

On March 5, 1984, the Workers' Compensation Department filed Notice of Proposed Amendment of Rules with the Secretary of State to amend rules governing claims administration and vocational assistance to injured workers. The Statement of Need and Legal Authority and the Statement of Fiscal Impact were also filed with the Secretary of State. A copy of the Notice and Proposed Rules were filed with the Legislative Counsel in accordance with ORS 171.707.

Copies of the notice were mailed to interested persons in accordance with ORS 183.335(7) and OAR 436-90-505 and to those on the department's distribution mailing list as their interest indicated. The notice was published in the March 15, 1984, Secretary of State's Administrative Rule Bulletin.

In the Notice of Proposed Amendment of Rules filed with the Secretary of State on March 5, 1984, and published in the March 15, 1984, Secretary of State's Administrative Rule Bulletin, the director advised a public hearing would be held on the proposed amendments if ten or more persons or an association having not less than ten members requested such a hearing within 15 days after publication of the Notice in the Bulletin of the the Secretary of State. During the period specified in the Notice, the director did not receive any written request for a hearing or any written comments concerning the proposed amendments.

Having reviewed and considered the record and being fully advised, I make the following findings:

- a. The applicable rulemaking procedures have been followed.
- b. The rules are within the director's authority.
- c. The rules being adopted are a reasonable administrative interpretation of the statutes and are required to carry out statutory responsibilities.

IT IS THEREFORE ORDERED THAT:

1. OAR Chapter 436, Division 54, Rules Governing Claims Administration, Rule 54-320, Division 61, Rules governing Vocational Assistance of Injured Workers, Rule 61-420 and Rule 61-171, as set forth in Exhibits "A", "B", and "C" respectively, attached hereto, certified true copies and hereby made part of this Order, are adopted effective April 4, 1984.
2. A certified true copy of the Order of Adoption and these rules with Exhibit "D" consisting of the Citation of Statutory Authority, Statement of Need, Documents Relied On and Fiscal Impact Statement, attached hereto and hereby made a part of this Order, be filed with the Secretary of State.
3. A copy of the rules and attached Exhibit "D" be filed with the Legislative Counsel pursuant to the provisions of ORS 183.75 within ten days after filing with the Secretary of State.

Dated this 4 day of April, 1984.

WORKERS' COMPENSATION DEPARTMENT

*Fred J. Leggett, Deputy*  
for William J. Brown, Director

Distribution: A through N;  
P through V;  
Y through AA;  
Plus CC and LL

6581C/flr

EXHIBIT "A"

OREGON ADMINISTRATIVE RULES  
Chapter 436  
Workers' Compensation Department  
Division 54: Claims Administration

54-320 RECOVERY OF OVERPAYMENT OF BENEFITS

(1) Insurers and self-insured employers may recover overpayment of benefits paid to a worker through the procedure specified by ORS 656.268(4).

(2) Recovery of overpayment by the insurer or self-insured employer shall be explained in written form to the worker, or to the dependent(s) of the worker if a fatality, and include:

- (a) an explanation for the reason of overpayment;
- (b) the amount of the overpayment; and
- (c) the method of recovery of the overpayment.

Hist: Filed 1-11-80 as WCD Admin. Order 1-1980, eff 1-11-80  
Amended 12-23-81 as WCD Admin. Order 6-1981, eff 1-1-82  
Amended 12-29-83 as WCD Admin. Order 8-1983, eff 1-1-84  
Amended 4-4-84 as WCD Admin. Order 3-1984, eff 4-4-84

