Propsed Rule Changes for Definitions

Row	---------- Existing Wording ---------- 5.7.01 Service Connected Disability	5.8.01 Nonservice Connected Disability	5.9.01 Medical Benefits	5.10.02 Return to Work and Vocational Rehabilitation Programs	Proposed New Wording
1	"Attending Physician." The term "Attending Physician" means: (A) A medical doctor or doctor of osteopathy licensed under ORS 677.100 to 677.228 by the Board of Medical Examiners for the State of Oregon or a similarly licensed doctor in any country or in any state, territory or possession of the United States, or (B) For a period of 30 days from the first visit on the initial Claim or for 12 visits, whichever first occurs, a doctor or physician licensed by the State Board of Chiropractic Examiners for the State of Oregon or a similarly licensed doctor or physician in any country or in any state, territory, or possession of the United States. All Members drawing disability benefits shall be examined at least once during each twelve-month period by the Member's identified physician or a physician appointed by the Director, unless otherwise determined by the Director.	"Attending Physician." The term "Attending Physician" means: (A) A medical doctor or doctor of osteopathy licensed under ORS 677.100 to 677.228 by the Board of Medical Examiners for the State of Oregon or a similarly licensed doctor in any country or in any state, territory or possession of the United States, or (B) For a period of 30 days from the first visit on the initial Claim or for 12 visits, whichever first occurs, a doctor or physician licensed by the State Board of Chiropractic Examiners for the State of Oregon or a similarly licensed doctor or physician in any country or in any state, territory, or possession of the United States. All Members drawing disability benefits shall be examined at least once during each twelve-month period by the Member's identified physician or a physician appointed by the Director, unless otherwise determined by the Director.	"Attending Physician." The term "Attending Physician" means: (A) A medical doctor or doctor of osteopathy licensed under ORS 677.100 to 677.228 by the Board of Medical Examiners for the State of Oregon or a similarly licensed doctor in any country or in any state, territory or possession of the United States, or (B) For a period of 30 days from the first visit on the initial Claim or for 12 visits, whichever first occurs, a doctor or physician licensed by the State Board of Chiropractic Examiners for the State of Oregon or a similarly licensed doctor or physician in any country or in any state, territory, or possession of the United States. All Members drawing disability benefits shall be examined at least once during each twelve-month period by the Member's identified physician or a physician appointed by the Director, unless otherwise determined by the Director.		"Attending Physician." The term "Attending Physician" means: (A) A medical doctor or doctor of osteopathy licensed under ORS 677.100 to 677.228 by ~~the Board of Medical Examiners for the State of Oregon~~ ***Oregon Medical Board, or a podiatric physician or surgeon licensed under ORS 677.805 to 677.840 by the Oregon Medical Board, an oral and maxillofacial surgeon licensed by the Oregon Board of Dentistry*** or a similarly licensed doctor in any country or in any state, territory or possession of the United States; or (B) For a period of 30 days from the first visit on the initial Claim or for 12 visits, whichever first occurs, a doctor or physician licensed by the State Board of Chiropractic Examiners for the State of Oregon or a similarly licensed doctor or physician in any country or in any state, territory, or possession of the United States. All Members drawing disability benefits shall be examined at least once during each twelve-month period by the Member's identified physician or a physician appointed by the Director, unless otherwise determined by the Director. *Changes apply to 5.07.01, 5.08.01 & 5.09.01; Add to 5.10.02*
2	"Base Pay." The term "Base Pay" means the base pay of the FPDR Two or FPDR Three Member's position in the Bureau of Fire or Police, including premium pay but excluding overtime and payments for unused vacation, sick or other leave. When a Member is paid overtime for part of his or her regular work schedule as required by Fair Labor Standards Act provisions, the straight-time portion of the overtime hours in the Member's regular work schedule shall be included in Base Pay.	"Base Pay." The term "Base Pay" means the base pay of the FPDR Two or FPDR Three Member's position in the Bureau of Fire or Police, including premium pay but excluding overtime and payments for unused vacation, sick or other leave. When a Member is paid overtime for part of his or her regular work schedule as required by Fair Labor Standards Act provisions, the straight-time portion of the overtime hours in the Member's regular work schedule shall be included in Base Pay.		"Base Pay in Effect at Disability." The term "Base Pay in Effect at Disability" means the Member's Base Pay amount at the time the disability payment is due.	***HOUSEKEEPING*** "Base Pay." The term "Base Pay" means the ~~b~~***B***ase ~~p~~***P***ay of the FPDR Two or FPDR Three Member's position in the Bureau of Fire or Police, including premium pay but excluding overtime and payments for unused vacation, sick or other leave. When a Member is paid overtime for part of his or her regular work schedule as required by Fair Labor Standards Act provisions, the straight-time portion of the overtime hours in the Member's regular work schedule shall be included in Base Pay. *Changes apply to 5.7.01, 5.8.01 & 5.10.02 only*
3			"Chart Note." The term "Chart Note" means a chronological documentation in an individual's Member's medical record, and includes subjective and objective findings, diagnosis, treatment rendered and proposed, status, and recovery and return to work objectives.		***HOUSEKEEPING*** "Chart Note." The term "Chart Note" means a chronological documentation in ~~an individual's~~ ***a Member's*** medical record, and includes subjective and objective findings, diagnosis, treatment rendered and proposed, status, and recovery and return to work objectives. *Changes apply to 5.9.01 only*

Propsed Rule Changes for Definitions

Row	---------- Existing Wording ---------- 5.7.01 Service Connected Disability	5.8.01 Nonservice Connected Disability	5.9.01 Medical Benefits	5.10.02 Return to Work and Vocational Rehabilitation Programs	Proposed New Wording
4	"Claim." The term "Claim" means a written request to FPDR for a retirement, disability or death benefit and may be filed by an active member, his/her representative or legal beneficiary, or surviving spouse or other legal representative of a deceased Member. This term may be used synonymously with the term "application."	"Claim." The term "Claim" means a written request to FPDR for a retirement, disability or death benefit and may be filed by an active mMember, his/her representative or legal beneficiary, or surviving spouse or other legal representative of a deceased m Member. This term may be used synonymously with the term "application."	"Claim." The term "Claim" means a written request to FPDR for a retirement, disability or death benefit and may be filed by an active mMember, his/her representative or legal beneficiary, or surviving spouse or other legal representative of a deceased m Member. This term may be used synonymously with the term "application."		***HOUSEKEEPING*** "Claim." The term "Claim" means a written request to FPDR for a retirement, disability or death benefit and may be filed by an active ~~m~~***M***ember, his/her representative or legal beneficiary, or surviving spouse or other legal representative of a deceased ***M***ember. This term may be used synonymously with the term "application." *Changes apply to 5.7.01, 5.8.01 ,&5.9.01*
5			"Current Procedural Terminology." The term "Current Procedural Terminology or "CPT" ® means the codes and terminology most recently published by the American Medical Association.		***"CPT."*** ~~"Current Procedural Terminology."~~ The term ~~"Current Procedural Terminology or~~ "CPT" ~~®~~ means ***Current Procedural Terminology*** ~~the codes and terminology most recently~~ published by the American Medical Association. *Changes apply to 5.9.01 only*
6	"Date of Disability." The term "Date of Disability" means the date that the Member is first unable to perform the Member's required duties as a result of a injury/illness that has been determined to arise out of and in the course of the Member's employment in the Bureau of Police or Fire.	"Date of Disability." The term "Date of Disability" means the date that the Member is first unable to perform the Member's required duties as a result of a injury/illness that has been determined to arise out of and in the course of the Member's employment in the Bureau of Police or Fire.	"Date of Disability." The term "Date of Disability" means the date that the Member's physician determines that the Member is unable to perform the Member's required duties.	"Date of Disability." The term "Date of Disability" means the date that the Member is first unable to perform the Member's required duties as a result of an injury, illness or occupational disability that has been determined to arise out of and in the course of the Member's employment in the Bureau of Police or Fire.	"Date of Disability." The term "Date of Disability" means the date that the Member***'s Attending Physician establishes that the Member*** is first unable to perform the Member's required duties as a result of ***a service-connected*** injury/illness ***or occupational disability*** that has been determined to arise out of and in the course of the Member's employment in the Bureau of Police or Fire. *Changes apply to 5.7.01, 5.8.01 ,5.9.01 & 5.10.02*
7					***"Documented Absence." The term "Documented Absence" means documentation of the time missed from a scheduled work shift submitted to the Director demonstrating that the Member was not paid by the Bureau of Fire or Police for that time.*** *Add to 5.7.01 & 5.8.01 only*

Propsed Rule Changes for Definitions

Row	---------- Existing Wording ---------- 5.7.01 Service Connected Disability	5.8.01 Nonservice Connected Disability	5.9.01 Medical Benefits	5.10.02 Return to Work and Vocational Rehabilitation Programs	Proposed New Wording
8					***"Full-Time Work." For the purpose of Other Employment, the term Full-Time Work" means working an average of at least 36 hours per week or the maximum work hours documented in the permanent restriction(s) placed by the Attending Physician.*** *Add to 5.7.01, 5.8.01 & 5.10.02*
9			"Home Health Care." The term "Home Health Care" means medically necessary medical and medically related services provided in the Member's home environment. These services may include professional nursing care, medical administration, or personal hygiene, or assistance with mobility and transportation.		~~"Home Health Care." The term "Home Health Care" means medically necessary medical and medically related services provided in the Member's home environment. These services may include professional nursing care, medical administration, or personal hygiene, or assistance with mobility and transportation.~~ *Changes apply to 5.9.01 only*
10			"Independent Medical Examination (IME)." An examination by one or more licensed medical providers in order to provide an opinion of findings in connection with an injury/illness or occupational Claim. A Physical Capacitiesy Evaluation (PCE) or a Work Capacities Evaluation (WCE) is considered an "IME" under these rules.		"Independent Medical Examination (IME)." ***The term "Independent Medical Examination" means*** ~~A~~***a***n examination by one or more licensed medical providers in order to provide an opinion of findings in connection with a~~n~~ ***service-connected*** injury/illness or ***an*** occupational ***disability*** Claim. A Physical Capaciti~~es~~***y*** Evaluation (PCE) or a Work Capacitiesy Evaluation (WCE) is considered an "IME" under these rules. *Changes apply to 5.09.01; Add to 5.7.01 & 5.8.01*
11	"Interim Disability Benefits". : The term "Interim Disability Benefits" means an amount that may be payable to a Member for lost time from work prior to the compensability determination or withdrawal of his/her application for service-connected or occupational disability benefits.				***HOUSEKEEPING*** "Interim Disability Benefits". : The term "Interim Disability Benefits" means an amount that may be payable to a Member for lost time from work prior to the compensability determination or withdrawal of his/her application for service-connected ***injury/illness*** or occupational disability benefits. *Changes apply to 5.7.01 only*

Propsed Rule Changes for Definitions

Row	---------- Existing Wording ---------- 5.7.01 Service Connected Disability	5.8.01 Nonservice Connected Disability	5.9.01 Medical Benefits	5.10.02 Return to Work and Vocational Rehabilitation Programs	Proposed New Wording
12			"Medical Evidence." The term "Medical Evidence" means expert written testimony, statements and opinions; sworn affidavits and testimony of medical experts; records, reports, documents, diagnostic test results authored, produced, generated, or verified by medical professionals; and medical research and reference material utilized, produced, or verified by medical professionals who are physicians or medical record reviewers in the particular case under consideration. acronym		~~"Medical Evidence." The term "Medical Evidence" means expert written testimony, statements and opinions; sworn affidavits and testimony of medical experts; records, reports, documents, diagnostic test results authored, produced, generated, or verified by medical professionals; and medical research and reference material utilized, produced, or verified by medical professionals who are physicians or medical record reviewers in the particular case under consideration.~~ ~~acronym~~ *Changes apply to 5.9.01 only*
13	Monthly Disability Benefits." The term "Monthly Disability Benefits" means benefits payable once per month on approved service-connected and occupational disability claims after a mMmber's first year of receiving disability benefits.				***HOUSEKEEPING*** Monthly Disability Benefits." The term "Monthly Disability Benefits" means benefits payable once per month on approved service-connected and occupational disability claims after a ~~m~~***M*** ember's first year of receiving disability benefits. *Changes apply to 5.7.01 only*
14		"Monthly Disability Benefits." The term "Monthly Disability Benefits" means benefits payable once per month on approved non service-connected disability Claims.			***HOUSEKEEPING*** "Monthly Disability Benefits." The term "Monthly Disability Benefits" means benefits payable once per month on approved ~~non service~~ ***nonservice*** -connected disability Claims. *Changes apply to 5.8.01 only*
15	"Original Injury." The term "Original Injury" means the period from the first occasion of medical treatment or disability resulting from a service-connected or occupational disability through the date the member first reaches a medically stationary status.		"Original Injury." The term "Original Injury" means the period from the first occasion of medical treatment or disability resulting from a service-connected or occupational disability through the date the member first reaches a Medically Stationary status.	"Original Injury." The term "Original Injury" means the period from the first occasion of medical treatment or disability resulting from a service-connected or occupational disability through the date the member first reaches a medically stationary status.	***HOUSEKEEPING*** "Original Injury." The term "Original Injury" means the period from the first occasion of medical treatment or disability resulting from a service-connected ***injury/illness*** or occupational disability through the date the member first reaches a medically stationary status. *Changes apply to 5.7.01, 5.9.01 & 5.10.01 only*

Propsed Rule Changes for Definitions

Row	---------- Existing Wording ---------- 5.7.01 Service Connected Disability	5.8.01 Nonservice Connected Disability	5.9.01 Medical Benefits	5.10.02 Return to Work and Vocational Rehabilitation Programs	Proposed New Wording
16					***"Other Employment." The term "Other Employment" means employment with any person, firm, company, corporation, government agency, municipality or Self-Employment, and does not include employment as an Active Member of the Bureau of Fire or Bureau of Police, or work performed as part of an approved Transitional Duty Return to Work Program in accordance with Administrative Rule 5.10.03.*** *Changes apply to 5.7.01, 5.8.01 & 5.10.02 only*
17					***"Pended." The term "Pended" means the 60-90 day period following FPDR's receipt of a complete application for benefits on an original Claim or for a Recurrence Claim during which FPDR is evaluating the Claim to determine if the injury or illness arose out of and in the course of the Member's employment with the Bureau of Fire or Police.*** *Add to 5.7.01 & 5.8.01 only*
18			"Primary Physician." See "Attending Physician."		~~"Primary Physician." See "Attending Physician."~~ *Changes apply to 5.9.01 only*
19				"Pursue Other Employment." "Pursue Other Employment" means: an active, serious, and continuing effort to seek full-time work each week that the Member claims benefits.	***HOUSEKEEPING*** "Pursue Other Employment." "Pursue Other Employment" means: an active, serious, and continuing effort to seek ***F*** ~~full-~~***T*** ~~time~~ ***W*** ~~work~~ each week that the Member claims benefits. *Changes apply to 5.10.02 only*

Propsed Rule Changes for Definitions

Row	---------- Existing Wording ---------- 5.7.01 Service Connected Disability	5.8.01 Nonservice Connected Disability	5.9.01 Medical Benefits	5.10.02 Return to Work and Vocational Rehabilitation Programs	Proposed New Wording
20					***"Self-Employment." The Term "Self-Employment" means the Member is working as:*** ***• a sole proprietor who conducts a trade or business;*** ***• an independent contractor;*** ***• a member of a partnership that conducts a trade or business; or*** ***• otherwise is in business for himself or herself*** ***Self-Employment is considered Full-Time Work only when the Member is working an average of at least 36 hours per week or the maximum work hours documented in the permanent restriction(s) placed by the Attending Physician*** *Add to 5.7.01 & 5.8.01*
21	"Substantial Gainful Activity." The term "Substantial Gainful Activity" means the Member is qualified, physically and by education and experience, to pursue employment with earnings equal to or exceeding one-third of the Member's rate of Base Pay at disability .	"Substantial Gainful Activity." The term "Substantial Gainful Activity" means the Member is qualified, physically and by education and experience, to pursue employment with earnings equal to or exceeding one-third of the Member's rate of Base Pay at disability .		"Substantial Gainful Activity." The term "Substantial Gainful Activity" means the Member is qualified, physically and by education and experience, to pursue employment with earnings equal to or exceeding one-third of the Member's rate of Base Pay at Disability.	"Substantial Gainful Activity." The term "Substantial Gainful Activity" means the Member is qualified, physically and by education and experience, to pursue employment with earnings equal to or exceeding one-third of the Member's rate of Base Pay at ~~disability~~ ***in Effect at Disability.*** *Change applies to 5.7.01, 5.8.01 & 5.10.02*
22	"Suspension of Benefits." The term "Suspension of Benefits" means disability benefits are stopped by the Director for the period of suspension when the Member has failed to comply with the provisions of Chapter 5 of the City Charter, or with a particular FPDR Administrative Rule provision.	"Suspension of Benefits." The term "Suspension of Benefits" means disability benefits are stopped by the Director for the period of suspension when the Member has failed to comply with the provisions of Chapter 5 of the City Charter, or with a particular FPDR Administrative Rule provision.			***HOUSEKEEPING*** "Suspension of Benefits." The term "Suspension of Benefits" means ***the payment*** of disability benefits are stopped by the Director for the period of suspension when the Member has failed to comply with the provisions of Chapter 5 of the City Charter, or ~~with a particular and the FPDR~~ Administrative Rule***s*** ~~provision~~. *Changes apply to 5.7.01 & 5.8.01 only*

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23					***"Usual and Customary Fee." The term "Usual and Customary Fee" means a treatment service fee that falls within the range of fees normally charged for treatment of occupational injuries and illnesses in Oregon.*** *Changes apply to 5.9.01 only*
24					****** MOVED FROM 5.7.12 and 5.8.13 ****** (5) The term "***W*** ~~w~~ages ***E*** earned in ***O*** ~~o~~ther ***E*** employment" includes***:*** ***(a)*** the gross salary, overtime pay, fees, commissions, or other remuneration received by a Member for services rendered as an employee to an employer in Other Employment.other than the Bureau of Fire or Bureau of Police. The term wages earned in other employment also includes***;*** ***(b)*** any salary, fees, commissions, profits or other remuneration that the Member receives from his or her Self-Employment in a profession, trade or business***; and*** ***(c)*** ~~However, if you~~ ***any rental income, if the Member*** own***s*** a rental(s) and the IRS requires that the rental income be reported as Self-Employment income. your rental income is considered "outside wages" and is subject to the wage offset The term "***W*** ~~w~~ages ***E*** earned in ***O*** ~~o~~ther ***E*** employment" does not include income from investments such as interest, dividends~~, rentals~~ and capital gains.
25					***"Work Capacity Evaluation." The term "Work Capacity Evaluation" means a physical capacity evaluation with special emphasis on the ability to perform a variety of vocationally oriented tasks based on specific job demands. Work Tolerance Screening will be considered to have the same meaning as Work Capacity Evaluation.*** *Changes apply to 5.9.01 only*

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Row	---------- Existing Wording ---------- 5.7.01 Service Connected Disability	5.8.01 Nonservice Connected Disability	5.9.01 Medical Benefits	5.10.02 Return to Work and Vocational Rehabilitation Programs	Proposed New Wording
26	"Worsening." The term "Worsening" means objective findings indicating a worsening of the approved service-connected injury/illness or occupational disability based on expert medical opinion or an expert medical opinion explaining why the Member's symptoms indicate a worsening of the approved service-connected injury/illness or occupational disability.		"Worsening." The term "Worsening" means objective findings indicating a worsening of the approved service-connected injury/illness or occupational disability based on expert medical opinion or an expert medical opinion explaining why the Member's symptoms indicate a worsening of the approved service-connected injury/illness or occupational disability.		"Worsening." The term "Worsening" means objective findings indicating a ***deterioration*** ~~worsening~~ of the approved service-connected injury/illness or occupational disability based on expert medical opinion or an expert medical opinion explaining why the Member's symptoms indicate a ***deterioration*** ~~worsening~~ of the approved service-connected injury/illness or occupational disability. *Changes apply to 5.7.01 & 5.9.01 only*