

**Management Labor Advisory Committee
Sunsets Subcommittee
Tuesday, January 10, 2006
10:30-11:30 a.m.**

**Union Hall Meeting Room
Ironworkers Local 29
11620 NE Ainsworth Circle, Portland, OR**

Members Present:

Tracy Brill, Port of Portland, Portland
Mike O'Rourke, Plumbing and Steamfitters UA 290, Tualatin, OR
Bob Shiprack, Oregon Building Trades Council, Tualatin, OR
Gregory Miller, Gunderson LLC, Portland, OR
Linda Jefferson, City of Portland, Portland, OR

Additional MLAC committee members Present:

Ellen Cutler, Harry and David, Medford, OR
Lisa Trussell, Associated Oregon Industries, Salem, OR

Members Excused:

Sheri Sundstrom, Hoffman Construction Company, Portland, OR

Bob Shiprack called the meeting to order at 10:30am

Bob Shiprack will serve as the chair for the Sunsets Subcommittee

Mr. Shiprack invited committee members as well as guests to take the opportunity to tour the Ironworkers Local 29 facility at the break.

Committee members were provided two documents by the department. HB 2408 Mandated Study and HB 3669 Nurse Practitioner Study

Mike Manley, Information Management Division

Mr. Manley, at the request of the chair, gave a brief history of the PPD system from prior to SB 757 to the impact of HB 2408. HB2408 created a different threshold for benefits and as part of the bill a study was mandated that would view the benefits prior to SB757, with SB757, and with HB2408. With the lag of when the law becomes effective to when actual claims are compensated there is difficulty in not having actual data on claims affected by HB2408. The study will need to take a single set of claims and hypothetically run it through the compensation schemes created by the three laws. A sample of 2005 injuries will be selected and claims will be rated using the three systems. The study will exclude cases in which a Claim Disposition Agreement (CDA) has closed the claim.

Committee Discussion: A request was made for clarification of how data would be collected, and whether there will be a physical review rather than just using data reported. The Division

responded that the physical files will be reviewed and in some cases the insurers and self-insurers will be asked to cooperate and provide additional information. Cases in which there has been a closure prior to a CDA will be included in the study. 350-400 claims will be reviewed. There are 6,000 to 7,000 PPD awards in a year. The sampling will be about 5%.

Jerry Managhan, Workers' Compensation Division

HB 3669 Nurse Practitioner Study has a sunset and the law will revert to 2003 law if no action is taken. With this law Nurse practitioners were allowed extended time limits on treatment of workers' compensation injuries. The department submitted a study plan to the subcommittee.

Committee Discussion:

DCBS certifies Nurse Practitioners to treat worker injuries. The nurse practitioner can treat for 90 days but they can only authorize time loss for 60 days. Beyond the 60 days there would need to be a referral to an attending physician or a managed care program. The committee expressed interest in the following points:

- How often the worker is required to change to treating with the attending at the two time limit periods.
- Comparison in treatment between the rural area and the metro Portland area.
- Looking at future bills the possibility of requiring that the insurer provide specific data.
- Determining if there are geographical areas where there are not any attending physicians.
- Nurse practitioners additional authorities. i.e. Nurse Practitioners in a pharmacy providing prescriptions for injured workers would have to be certified by WCD.

Public Testimony

Joe Eusterman, Western Occupational and Environmental Medicine Services

Dr. Eusterman expressed concern about the certification process. And asked WCD to explain the certification process.

Jerry Managhan, WCD

Nurse Practitioners are asked to review information regarding requirements of medical provider and rules related to treating injured workers. They must send in certification to WCD that they have reviewed the information.

Joe Eusterman – Dr. Eusterman voiced concern that the certification requirements are not adequate. Suggested that the subcommittee collect information in the survey of Nurse Practitioners regarding continuing education or training in case management of worker injuries or illnesses.

Laurel Gunderson, Providence MCO

Ms Gunderson testified that in the Providence MCO the number Nurse Practitioners actually treating injured workers is very small. Under the comp come along rule Providence authorizes nurse practitioners to treat injured workers, but to date they have only authorized 2.

Meeting adjourned