

Management-Labor Advisory Committee
Wednesday, February 8, 2006
Labor and Industries Building, Room 260

Committee Members Present:

Tracy Brill, Port of Portland, Portland
Ellen Cutler, Harry and David, Medford, OR
Linda Jefferson, City of Portland, Portland, OR
Lon Holston, AFSCME, Grants Pass, OR
Greg Miller, Gunderson LLC, Portland, OR
Mike O'Rourke, Plumbing and Steamfitters UA 290, Tualatin, OR
Bob Shiprack, Oregon Building Trades Council, Tualatin, OR
Cory Streisinger, Director, Department of Consumer and Business Services
Sheri Sundstrom, Hoffman Construction Company, Portland, OR
Lisa Trussell, Associated Oregon Industries, Salem, OR

Committee Member Excused:

John Kirkpatrick, IUPAT District Council, Tualatin, OR

Staff Present:

Lou Savage, Director's Office
Teri Bledsoe, Director's Office
Jennifer Flood, Ombudsman for Injured Workers
David Waki, Small Business Ombudsman
Abbie Herman, Workers' Compensation Board
John Shilts, Workers' Compensation Division
Tracy O'Connor, Information Management Division
Dan McNally, Workers' Compensation Division

Co-Chair Bob Shiprack called the meeting to order at 1:05 p.m.

APPROVAL OF MINUTES

Minutes of November 14, 2005 were to list Greg Miller on the Sunsets Subcommittee and approved as corrected. The following members voted to approve as corrected: Tracy Brill, Ellen Cutler, Lon Holston, Linda Jefferson, Greg Miller, Mike O'Rourke, Bob Shiprack, Sheri Sundstrom, and Lisa Trussell.

DEPARTMENT REPORTS

_ Injured Worker Ombudsman

Jennifer Flood, Ombudsman for Injured Workers gave the committee a summary of the work of Ombudsman and staff.

_ Small Business Ombudsman

Dave Waki, Small Business Ombudsman gave the committee a summary of the work of the ombudsman and staff.

_ Workers' Compensation Board

Abbie Herman, Workers' Compensation Board Chair provided the committee with information about quarterly data for the year 2004, significant court and board cases, recent rulemaking and responsibility law.

Committee Discussion: Committee discussed the length of time to resolve responsibility cases.

LEGISLATIVE SUNSETS INFORMATION

Charlie Cheek, Legislative Counsel, discussed with the committee the cumulative effects and administrative difficulties of having sunsets in legislation and statutes. In addition, Mr. Cheek reminded the committee and the public that the Office of Legislative Counsel publishes Workers' Compensation laws compiled into a single volume. Information is available on their website.

Committee Discussion: Committee discussed the effect of sunsets when dealing with changes that affect workers based on the date of injury as well as changes that go into effect regardless of the date of injury.

SUBCOMMITTEE REPORTS

Sunsets Subcommittee

John Shilts, Workers' Compensation Division Administrator, summarized the two sunset issues that the Sunsets Subcommittee is studying, permanent partial disability sunsets and the nurse practitioner sunset.

Permanent Partial Disability Sunset: The Workers' Compensation Division prepared a study design and proposes to implement a pilot of the study to determine if there is any need for revision before performing the full study. The projection is to present the findings of the study in sufficient time for possible recommendations to the legislature for the 2007 session.

Nurse Practitioner Sunset: The department was charged with gathering and analyzing data regarding the impact of the bill that gave nurse practitioners expanded treatment for injured workers. The findings of the study should be available to present to the committee August 2006.

Alternative Care Provider Subcommittee

John Shilts, Workers' Compensation Division Administrator and Tracy O'Connor, Information Management Division, presented a study design and a timeline summary to the committee. The subcommittee designated Mike O'Rourke and Greg Miller to work with the department on refining and implementing a worker survey. The survey will be piloted this Spring. The focus of the study is to assess whether other providers should have attending physician status to care for injured workers.

Committee Discussion: Lon Holston clarified bullet point number 6 on page 2 should be costs and outcomes. Mr. Shilts concurred.

Mr. Shilts also discussed briefly the work of the department in meeting with stakeholders throughout the state regarding the Medical Quality Initiative.

IMPLEMENTATION OF SB 311/IME

Dan McNally, Workers' Compensation Division, gave an update on implementation of the bill. He presented information on the activity that has occurred thus far as a result of the portion of the bill that was effective January 1, 2006. Mr. McNally also gave the committee information on the work of the department in developing tools to better inform the worker regarding the IME exam as well as the work of the department in working towards the implementation of the portion of the bill that becomes effective July 1, 2006.

A need for exceptions has been identified regarding the requirements to be on the list of approved physicians--specifically, utilizing out-of-state physicians to provide care for workers that live in cities close to the Oregon borders, utilizing physicians in states far from Oregon, i.e. Alaska, and utilizing physicians having rare specialties. The suggestion was made that for these exceptions, there be three requirements for inclusion on the list of approved IME physicians: the insurer and worker agree on a physician, the physician agree to the

standards of conduct for IME physicians, and the physician be in good standing with the regulatory board of the state in which they are licensed.

Mr. McNally discussed with the committee the recommendation to have the attending physician review the IME report with the injured worker. The Medical Advisory Committee has asked that MLAC review this recommendation. It would be difficult to verify and enforce that an attending physician in fact reviewed the report with the worker. In addition, it would have an economic effect on the physicians and possibly create an adversarial situation between the attending physician and the worker.

PUBLIC TESTIMONY

Dr. Vern Saboe – Chiropractic Association of Oregon

Dr. Saboe summarized testimony presented to the Care Provider Subcommittee as well as providing information on a survey that was done by his association to all chiropractors. His testimony included information on a case in which an injured worker was not authorized to be treated by a chiropractor for his injury and as a result greater costs may have been incurred than if he had been treated by a chiropractor.

Co-Chair Shiprack requested committee members to submit any requests for future meeting agenda items. He requested that the Director of SAIF be invited to the next meeting.

ADJOURNMENT

The meeting was adjourned at 3:10 p.m.