

**WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE**
Meeting Minutes
Legislative Subcommittee

March 16, 2007
8:30 a.m. – 10:00 a.m.
Conference Room 260
Labor & Industries Building, 350 Winter Street NE, Salem, OR
(A map is available upon request)

Meeting Agenda:

Review Minutes from March 2, 2007 Legislative subcommittee meeting.

Action: A motion was made and seconded to approve the March 2, 2007, minutes as written. A vote was taken and the following members voted aye: Tracy Brill, Greg Miller, Mike O'Rourke, Sheri Sundstrom, Lon Holston, John Kirkpatrick, and Linda Jefferson. Motion passed.

SB 504 – Report from WCD and OSIA A copy of the bill, analysis, and fiscal impact statement were provided to the committee. The documents are part of the record.

John Silts, Workers' Compensation Division

Mr. Silts gave an overview of the current process. He also reviewed the outcome of the meeting WCD and OSIA attended on March 12, 2007. Mr. Silts provided an oral and written summary of that meeting titled "Meeting with OSIA- On SB 504, 506, 564, and 565." The documents are part of the record.

Ronald Attwood, OSIA

Mr. Attwood talked about the current process and the options discussed at the March 12, 2007, meeting with the WCD.

Committee discussion: The committee discussed the importance of the worker not getting lost at the beginning of the claims process and the number of cases where these situations exist. The committee also discussed this bill being too broad.

Action: Recommends the department and OSIA continue to work together on the bill language and report back to the committee.

SB 506 – Report from WCD and OSIA A copy of the bill, analysis, and fiscal impact statement were provided to the committee. The documents are part of the record.

John Silts, Workers' Compensation Division

Mr. Silts testified to the current process of closing a claim where a permanent impairment exists and the change this bill proposes. He gave an example of a claim with direct medical sequelae.

Mr. Shilts also discussed to the options discussed at the March 12, 2007 meeting with OSIA. He provided a written summary of that meeting. The documents are part of the record.

Ronald Attwood, Oregon Self-Insured Association (OSIA)

Mr. Attwood testified to the options discussed with the division on March 12, 2007. He recommends amending the proposed language in 656.268(14)(b) and also discussed making changes to the reconsideration process. Written overview of the March 12, 2007 meeting with the division was provided and made part of the record. Mr. Attwood also provided a copy of the suggested amendments to the committee. The documents were made part of the record.

Chris Moore, Oregon Trial Lawyers Association (OTLA)

Mr. Moore testified OTLA is not prepared to state a position on this bill. He also testified regarding the reconsideration process and the problems in that process.

Committee discussion: The committee discussed the implication of this bill and recommends not addressing the reconsideration process with this bill. The committee recommends a subcommittee review the reconsideration process in the interim

Action: Motion was made and seconded to support SB 506 with the suggested amendments to the full committee. A vote was taken and the following members voted aye: Tracy Brill, Greg Miller, Mike O'Rourke, Sheri Sundstrom, John Kirkpatrick, and Linda Jefferson. Voted nay: Lon Holston. Motion passed.

SB 564 – Allows closure of workers' compensation claims if preponderance of evidence supports closure and attending physician fails to provide closing report after request. A copy of the bill, analysis, and fiscal impact statement were provided to the committee. The documents are part of the record.

Ron Attwood, OSIA

Mr. Attwood testified to the current process, the change proposed by this bill, and the discussion OSIA had with WCD on March 12, 2007. He provided clarification on this bills effect on the treating physicians ability to authorize timeloss. Mr. Attwood provided amended language for the committee's consideration. Written overview of the March 12, 2007 meeting with the division was provided. A copy of the proposed amended language was provided to the committee. Both documents were made part of the record.

John Silts, Workers' Compensation Division

Mr. Shilts provided testimony regarding the original agreement at Mahonia Hall. He talked about preponderance of evidence and that the change proposed by this bill would contradict changes enacted by the Mahonia Hall.

Susan Lavier, City County

Ms. Lavier testified to her experience and the problems in the current system. She also provided a specific example of a claim she was unable to close due to an attending physician refusing to cooperate and the overpayment that arose from that situation.

Action: Recommends the department, OSIA, and labor members of MLAC work together on the bill language and report back to the committee.

SB 565 – Modifies method for determining average weekly wage for worker with more than one job at time of injury. A copy of the bill, analysis, and fiscal impact statement were provided to the committee. The documents are part of the record.

Committee discussion: Recommends addressing this topic in the interim.

SB 404 – Authorizes payment of certain reasonable fees, expenses and costs associated with litigation of workers' compensation claim if claimant prevails against claim denial.

Martin Alvey, OTLA

Mr. Alvey testified to the current process and the importance of the changes being proposed. He introduced Sgt. Trump an injured worker he represents. Written testimony was provided and made part of the record.

Sgt. Bob Trump, City of Keizer, Police Department

Sgt. Trump provided testimony of his experience as an injured worker. He talked about the cost to him with regard to litigating his denied claim. Written testimony was provided and made part of the record.

Committee discussion: recommends that OTLA and management members of the committee meet to discuss a cap. The committee supports this bill with a cap.

Meeting Adjourned