



Oregon

Kate Brown, Governor

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Representative Holvey, Chair
House Interim Committee on Business and Labor

Re: November 16 Meeting – Injured Workers Choice of Medical Provider

Dear Chair Holvey:

Thank you for the invitation to speak at your November 16 meeting. I am unable to attend in person, however I offer the following thoughts regarding injured workers right to choose their medical provider – and the prohibition of the employer directing where the worker must treat.

The Office of the Ombudsman for Injured Workers does receive complaints from injured workers regarding this issue. I do not have statistics, but it is not uncommon for a worker to indicate that their employer told them they needed to treat with a specific provider. It's important that workers are informed of the right to choose their own medical provider.

I have not seen the proposal being presented to your committee, so I can only offer my comments based on the understanding that it is similar to HB 2032 (2015 session). That bill proposed an additional acknowledgement signature on an existing form that employers and medical providers are already required to give a worker when they are filing a claim. The notice provides the worker important information about their rights, including their ability to select a medical provider. My understanding of the proposal is after the worker and employer sign the form, the employer or medical provider would be required to forward a signed copy to the insurer to retain, along with the claim filing form. If this proposal was adopted, I see this requirement as helping workers and employers. Workers are clearly informed of their rights. Employers are clearly informed of the worker's rights and aware that the law prohibits them from directing care. Having a signature won't necessarily stop the "he said/she said" scenarios my office hears about, nor will it ensure that every person understands what they are signing. However, it appears to create some accountability that all parties understand the worker's right to choose their medical provider.

Thank you for the opportunity to provide this input. If you have any questions for me, please let me know.

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