

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE

Full MLAC Meeting

March 8, 2013
9 a.m. – 10:30 a.m.

Committee Members Present:

Tami Cockeram, City of Hillsboro
Paul Goldberg, Oregon Nurses Association, Tualatin
Elana Guiney, Oregon AFL-CIO, Salem
John Mohlis, Oregon Building Trades Council, Portland
Kathy Nishimoto, Duckwall-Pooley Co., Hood River
Bridget Quinn, NECA-IBEW Electrical Training Center, Portland
Jaron Sue, Marquis Autumn Hills, Portland
Theresa Van Winkle, MLAC Committee Administrator

Members Excused:

Patrick Allen, DCBS Director, *ex-officio*
David Andersen, Andersen Construction Company, Portland
Carol Duncan, General Sheet Metal, Clackamas
Ben Stange, Polk County Fire District No.1, Independence

Agenda Item

Discussion

Opening
(0:00:00)*

John Mohlis called the meeting to order at 9:04 a.m.

**2013 Legislation
Review**
- [SB 533](#)

Theresa Van Winkle introduced some of the additional materials that were submitted to the committee regarding SB 533 (available [here](#)).
John Shilts, Administrator of the Workers' Compensation Division – Walked through the proposed amendments that had been discussed since the last MLAC meeting based on a memo to MLAC members dated March 7, 2013 titled [Senate Bill 533 Proposed Amendments](#)**.

- One of the proposed changes includes a periodic reporting to the committee on the frequency with which nurse practitioners are denied come-along attending status in an MCO. The committee was in agreement that the provision should stay in the proposed changes.
- The committee asked Chris Davie to testify as to his previously expressed concerns regarding the bill. Mr. Davie pointed out that some of the language is ambiguous regarding the designation of a come-along chiropractic physician as an “attending physician”, which would limit some of the rights to contest being terminated as an attending physician within an MCO. The committee agreed to recommend some changes to the proposed amendment to equalize the right to contest across all provider types.

(0:25:25) Linda Clear, Providence MCO – Has concerns about the continuing expansion of the definition of an attending physician since the Mahonia Hall reforms. She urged caution in expanding these authorities for different provider

types, and that those decisions should be made primarily with the interests of employers and injured workers in mind, and not necessarily the pressure from provider groups.

(0:34:00) Ms. Nishimoto moved to recommend SB 533 to the legislature with the discussed changes to the proposed amendments. The motion was seconded by Paul Goldberg, and approved unanimously (members Anderson, Duncan, and Stange excused).

[SB 96](#)
(0:36:22)

-1 amendment clarifies the self-insured employer group terminology; legislative committee has heard the bill and presentation of -1 amendment.

Lynn McNamara, Citycounty Insurance Services – gave a quick overview of the bill and its intent, which is to give self-insured groups made up of cities and counties the same Workers’ Compensation rights as individual self-insured cities and counties.

Kathy Nishimoto moved to recommend the bill to the legislature with the -1 amendment, and Elana Guiney seconded the motion. The motion passed unanimously (members Anderson, Duncan, and Stange excused)..

[HB 2068](#)
[HB 2923](#)
[SB 678](#)
(0:39:08)

Drew Hagedorn, Oregon Self-Insured Association (OSIA), Oregon General Contractors – OSIA has been negotiating with stakeholders and the Oregon Trial Lawyers Association (OTLA), and there has been consensus on some changes. Some amendment language should be ready to present to the committee at the next meeting.

[HB 2681](#)
(0:41:52)

J.L. Wilson, Associated Oregon Industries – Feels that this codifies WCD’s current practice that a disputed claims settlement (DCS) is not a compensable claim, and should not trigger the reinstatement rights otherwise available to an injured worker.

Keith Semple, OTLA– Has some remaining concerns about some spillover effects. With the current bill language, if a disputed condition becomes non-compensable, it also makes all other conditions in the claim non-compensable.

Mr. Mohlis asked if some of the involved parties could come together to come to a consensus that could be presented at a subsequent meeting. Mr. Wilson and Mr. Semple indicated that they were amenable to that.

Michael Ross, attorney – As the law currently stands, an injured worker has a right to compensation, and a right to reinstatement. He feels that, as written, the bill would provide a disincentive to injured workers to either settle claims without litigation for fear of giving up their reemployment rights, or settle their claims without seeking the services of an attorney without understanding that they are simultaneously giving up their reemployment rights He feels that the bill is a response to [*Petock vs. Asante*](#), but did not elaborate further.

Approval of Meeting Minutes
(0:56:30)

Bridget Quinn moved to accept the December 6, 2012 Access Subcommittee, February 8, 2013, and February 22, 2013 MLAC minutes. The motion was seconded, and approved unanimously (members Anderson, Duncan, and Stange

excused)..

Closing
(0:57:40)

Mr. Mohlis adjourned the meeting at 10:01 a.m.

*These minutes include time stamps from the meeting audio found here:

<http://www.oregon.gov/DCBS/MLAC/audio.shtml> .

**Referenced documents can be found on the MLAC Supporting Documents page here:

<http://www.oregon.gov/DCBS/MLAC/pages/support.aspx>