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SB 1585

Brief summary

Directs the Oregon Health Authority (OHA) and Department of Consumer and Business Services (DCBS) to enter an agreement to disclose data related to COVID-19 workplace outbreaks for purposes of notifying beneficiaries of possible workers' compensation death benefits.

Analysis

What the law currently does

Workers who have a workplace exposure or have contracted COVID-19 in the workplace may be entitled to workers' compensation benefits. The exposure must have arisen out of and in the course of employment, and the worker must also be subject to workers' compensation coverage. If a worker dies as a result of a work-related COVID-19 illness, their beneficiaries may file a claim for death benefits. If the claim is accepted, the benefits include funeral expenses as well as ongoing monthly benefit payments to beneficiaries. As of Jan. 24, 2022, the division has received reports of 15 claims for COVID-19 deaths (8 accepted, 7 denied).

The OHA is responsible for enforcing public health laws. During the COVID-19 pandemic the agency has tracked cases, including the possible source of the illness. The public health laws have confidentiality laws that prevent general disclosure of individually identifiable information. The OHA reports aggregated information about COVID-19 cases that may be related to a workplace. The workplace outbreaks are reported when there are five or more cases and only for workplaces with at least 30 workers. The case counts include all persons linked to the outbreak, which may include household members and other close contacts. The Jan. 26, 2022, [workplace outbreak report](#) (starting on page 94) indicates there have been 168 deaths and 32,747 cases associated with workplace outbreaks since the start of the pandemic.

ORS 190.110 authorizes state agencies to enter into agreements with each other to perform duties imposed upon or conferred to the agency or to administer a policy or program delegated to the agency.

What will change if the bill is enacted

The bill would require DCBS and OHA to enter into an interagency agreement. The agreement is to require the OHA to disclose to data related to the outbreak of COVID-19 in workplaces such that DCBS can inform beneficiaries of their rights to file a claim for death benefits under workers' compensation law. The bill takes effect with the Governor's signature.

Likely impacts, results, or consequences if the bill is enacted

More people could be made aware of possible entitlement to workers' compensation benefits for COVID-19 deaths, and potentially more workers' compensation claims could be filed for death benefits.

Questions/relevant information for the bill sponsor or primary proponent

None.

Legislative history

Has this bill been introduced in a prior session?

No Yes Years Bill numbers

Does this bill amend current state or federal law or programs?

No Yes Specify

Is this bill related to a legal decision?

No Yes Case citation, AG opinion, date, etc.

Should another DCBS division review this measure?

No Yes Divisions: Ombuds for Oregon Workers

Other impacts

Does this bill have a fiscal impact to DCBS?

No Yes Unknown The bill does not specify which part of DCBS is responsible for contacting beneficiaries, but the Ombuds for Oregon Workers currently contacts beneficiaries of on-the-job fatalities reported to Oregon OSHA. It is unknown how many persons would be contacted under the interagency agreement.

DCBS and OHA will need to develop an interagency agreement, subject to Department of Justice review. DCBS procurement staff will also be needed to draft and refine the agreement.

Based on the outreach conducted, there could be more workers' compensation claims filed for death benefits. If these claims are accepted, beneficiaries' monthly benefits are eligible for annual cost of living adjustments. Insurers and self-insured employers pay the cost of living amount and are reimbursed by the division's Retroactive Program which is funded by the Workers' Benefit Fund. If additional claims are filed as a result of the outreach under this bill, there could be more reimbursements made by the Retroactive Program. It is unknown how many more claims or additional beneficiaries may result from the bill.

Does this bill have an economic impact to stakeholders?

No Yes Unknown Explain: The bill could increase the number of claims filed for death benefits. If the claims are accepted, benefits include burial expenses and ongoing monthly benefits to beneficiaries. It is unclear how many more claims may arise as a result of the bill.

Sponsors

Sen. Taylor

Possible interested stakeholders

Workers, employers, insurers, service companies, attorneys

Public policy topics

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| <input type="checkbox"/> Agency operations | <input type="checkbox"/> Other lines of insurance |
| <input type="checkbox"/> Building codes | <input type="checkbox"/> Prescription drugs |
| <input type="checkbox"/> Financial institutions and lending | <input type="checkbox"/> Property and casualty insurance |
| <input type="checkbox"/> Health insurance | <input type="checkbox"/> Public records/public meetings law |
| <input type="checkbox"/> Involvement with other agencies | <input type="checkbox"/> Rulemaking |
| <input type="checkbox"/> Licensure | <input type="checkbox"/> Securities |
| <input type="checkbox"/> Manufactured structures | <input type="checkbox"/> Task force/reports |
| <input checked="" type="checkbox"/> MLAC legislative review | <input type="checkbox"/> Worker safety |
| <input type="checkbox"/> New program | <input checked="" type="checkbox"/> Workers' compensation system |
| <input type="checkbox"/> Nondepository programs | <input type="checkbox"/> Other |