

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE
Full Committee Meeting
Dec. 7, 2023
10:00 a.m.-noon

Committee members present via Zoom:

Scott Strickland, Sheet Metal Workers Local #16
Margaret Weddell, Labor Representative
Sarah Merrick, City of Salem Fire Department
Ryan Hearn, Roseburg Forest Products
Matt Calzia, Oregon Nurses Association
Marcy Grail, IBEW Local 125
John McKenzie, JE Dunn Construction
Sara Duckwall, Duckwall Fruit
Andrew Stolfi, DCBS Director, *ex officio*

Excused:

Patrick Priest, Citycounty Insurance Services
Stacy Lewallen, Fortis Construction, Inc.

Staff:

Teri Watson, MLAC Committee Administrator
Baaba Ampah, MLAC Assistant

Agenda Item	Discussion
Opening (00:00:00)	Scott Strickland called the meeting to order, and Teri Watson called the roll of members. A quorum was not present.
(00:02:34)	Public comment There was no public comment.
(00:02:56)	Review and approve minutes from Nov. 2, 2023 The approval of minutes was moved to the next meeting since a quorum was not present. Margaret Weddell mentioned that a section of the meeting minutes needed to be reviewed.
(00:04:37)	Sara Duckwall was briefed on the topics discussed in the last meeting. She clarified that her interest is worker accessibility, especially making information available on through smartphone viewability and dual-language options.
	Department updates

Workers' Compensation Board case law updates – Heidi Havercroft

(00:07:30) Heidi Havercroft shared that the board is currently considering a rule concept to simplify the denial appeal language mandated by board rule. OAR 438-005-0055 requires the inclusion of specific language within a denial of a worker's compensation claim and how a worker can appeal the denial. The board has referred the concept to a rulemaking advisory committee. After the advisory committee issues the report, the board will consider further public comments and take any necessary rulemaking actions. The advisory report will be posted on the board's website.

Workers' Compensation update (WCD) – Teri Watson

(00:09:24) Teri Watson provided a rulemaking update, mentioning that the comment period for rule changes to divisions 009, 010, and 015 has been extended to Dec. 15. Additionally, SB 418 will go into effect Jan. 1. A stakeholder advisory committee meeting for division 060 rules is scheduled for January.

(00:10:50) Director Andrew Stolfi announced that Sally Coen, WCD administrator, will be retiring at end of the year, acknowledging Sally Coen's accomplishments. Scott Strickland joined in recognizing Sally Coen for all her hard work.

DCBS Communications MLAC video update– Angela Van Grunsven

(00:14:35) The MLAC legislative guidelines video was played during the meeting.

(00:19:14) MLAC members conveyed their approval of the video. The link to the [legislative guidelines document](#) is currently available on the MLAC website. Once the video is approved, both the legislative guidelines document and video will be available on a webpage.

(00:23:34) Sara Duckwall suggested making the legislative guidelines document accessible on the front page of the MLAC website.

(00:24:31) David Barenberg, SAIF, suggested to include the number of employers covered or impacted by workers' compensation in the video script.

(00:25:29) Scott Strickland congratulated Director Andrew Stolfi on receiving the Bonnie Burns Excellence in Consumer Advocacy Award from the National Association of Insurance Commissioners.

LC presentation: SAIF – Ivo Trummer

(00:26:44) Ivo Trummer, SAIF, presented [SAIF's workers' compensation insurance fraud legislative concept](#). The bill has not yet been drafted and Senator Taylor has agreed to bring this concept for the 2024 legislative session. He shared that only a few workers' compensation claims are reported by SAIF for fraudulence, and such cases can be prosecuted for a felony. However, if a business commits fraud to lower their premiums, they face no prosecution. Ivo Trummer continued to explain that the purpose of the concept is to hold companies who

purposefully commit fraud accountable. He concluded that once the draft of the bill is available, it will be presented to MLAC.

- (00:32:59) Ivo Trummer shared that David Barenberg, SAIF, will be retiring and showed appreciation all of all his work. Scott Strickland congratulated David Barenberg.
- (00:34:49) Dustin Karstetter, Oregon RIMS, mentioned that, based on information found online regarding efforts to prevent fraud, it seems as if Oregon may not have an insurance fraud unit. It seems that such cases get referred to law enforcement and there is no tracking system for fraud. He asked for clarification on whether a fraud division can be included in the legislative concept or if such a division already exists.
- (00:36:34) Scott Strickland recommended to Dustin Karstetter to reach out to DCBS to ask about how insurance fraud is tracked. He also mentioned that Director Stolfi is in charge of the Division of Financial Regulation. Ivo Trummer clarified that the bill is limited only to matters pertaining to workers' compensation fraud.
- (00:37:52) Derek Sangston, Oregon Business and Industry, voiced that MLAC is the right place for developing this type of bill. He accentuated that MLAC will make sure the scope of the problem is measured and MLAC is the best place to develop a narrow response that is not burdensome to businesses.

Workplan update –

- (00:40:20) Teri Watson reported that, in response to the previous meeting's discussion about the placement of the QR code, the QR code will be placed on the Notice of Compliance poster and lead to the [WCD's worker overview page](#). Additionally, she reported that the WCD website is very user-friendly on mobile phones and tablets.
- (00:42:35) The poster with the QR code will be sent to MLAC members for review. It was also noted that the WCD website is available in Spanish and Russian. Teri Watson will report back if forms are also available in dual-language.

Upcoming meetings – January 4, 2024 (In-person) and January 18th (Hybrid)

- (00:45:43) Members noted that the next in-person meeting will be weather-dependent for members living far out. A hybrid option is available for members unable to attend the in-person meeting.
- (00:47:53) In regards to the [workplan](#), it was corrected that 'Report on firefighter cancer presumption...' should be under House Bill 4113.

**Meeting
Adjourned**

Scott Strickland adjourned the meeting at 10:48 a.m.

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

<https://www.oregon.gov/dcbs/mlac/Pages/2023.aspx>

**Referenced documents can be found on the MLAC Meeting Information page here:

<https://www.oregon.gov/dcbs/mlac/Pages/2023.aspx>