

WORKERS' COMPENSATION  
MANAGEMENT-LABOR ADVISORY COMMITTEE  
**Full Committee Meeting**

June 6, 2024  
10 a.m.–noon

***Committee members present:***

Scott Strickland, Sheet Metal Workers Local #16  
Patrick Priest, Citycounty Insurance Services  
Lorne Bulling, IronWorkers Local 29  
Sara Duckwall, Duckwall Fruit  
Ryan Hearn, Roseburg Forest Products  
Stacy Lewallen, Fortis Construction, Inc.  
Sarah Merrick, City of Salem Fire Department  
Kim Schlessinger, Samaritan Health Services  
Margaret Weddell, Labor Representative  
Andrew Stolfi, DCBS Director, *ex officio*

***Staff:***

Teri Watson, MLAC Committee Administrator  
Baaba Ampah, MLAC Assistant

<b>Agenda Item</b>	<b>Discussion</b>
Opening (00:00:00)	Scott Strickland called the meeting to order, and Teri Watson called the roll of members. A quorum was present.
(00:01:30)	<b>Public comment</b> Scott Strickland welcomed the new MLAC member, Lorne Bulling.
(00:02:15)	Dr. Verne Saboe, Oregon Chiropractic Association, noted that they are going to bring back their previously proposed legislation that returns full attending physician status to chiropractic physicians in the workers' compensation system. He referenced a graph showing <a href="#">physician services payments</a> , and a peer review comparing <a href="#">chiropractic care to traditional medical management for spine-related musculoskeletal pain</a> . Dr. Saboe shared that he has 43 years of experience and has observed patients do not receive the right treatment. He expressed his frustration with the current system, where chiropractors are limited in their ability to advocate for patients, which leads to inadequate care and premature claims closure. He concluded his public comment with a story about a nurse who was not receiving the right treatment for 14 weeks. When she sought his care, the majority of her medical issues were resolved after a couple of chiropractic treatments.

---

---

(00:12:00) **Review minutes from April 4, 2024, and May 2, 2024**  
The minutes from the April 4 and May 2 meetings were presented. Sara Duckwall moved to approve both set of the minutes, and Sarah Merrick seconded the motion. The motion passed.

**Department updates**

(00:13:13) **Workers' Compensation Board (WCB) case law updates – Lauren Eldridge**  
Lauren Eldridge, WCB interim managing attorney, announced two rule amendments the board is proposing:

- OAR 438-005-0055 requires specific language regarding a worker's appeal rights to be included in a workers' compensation claim denial. The amendment is intended to simplify and improve the readability of the appeal language.
- The other proposed amendment is in regard to the board's rule to set caps on attorney fees that can be awarded out of the proceeds of a disputed claim settlement or claim disposition agreements. The proposed amendment removes the 10 percent cap for proceeds over \$50,000 and allows an attorney fee of up to 25 percent of the total settlement as awardable.

The rulemaking hearing will be held by telephone conference at 10 a.m. on June 28.

(00:15:19) **Workers' Compensation Division (WCD) update – Teri Watson**  
There were no updates.

(00:15:42) **2025 WCD Legislative Update – Matt West**  
Matt West, WCD interim administrator, updated the members on the 2025 legislative concepts. The division has scheduled meetings with stakeholders. He invited stakeholders who have not received an invite to reach out.

(00:16:55) **Senate Bill (SB) 533 managed care organization (MCO) 2023 report on “come along” providers – Matt West**  
Matt West reported on a requirement from SB 533 that states the director must provide MLAC a [report](#) about denials and terminations of come along providers. For 2023, there were four operating MCOs. There are currently three MCOs. In 2023, two providers were terminated.

(00:18:26) Sara Duckwall asked for clarification about the report. Stan Fields, MCO Specialist WCD, clarified that typically terminations and denials are due to the provider's failure to comply.

(00:18:51) Matt West and Stan Fields answered that in the past few years there have been very few denials per year.

---

- 
- (00:19:14) Matt West answered that he has no information as to why Caremark stopped operating.
- (00:19:33) Matt West responded that MCOs are not required to report on approvals, only denials.
- (00:19:53) It was clarified that data concerning geographic areas and MCO coverage might be on the website. However, the division will seek and provide the information to the committee.
- Work plan updates**
- (00:21:16) **National Institute of Occupational Safety and Health (NIOSH) Firefighter Cancer Presumption Report – Teri Watson**  
Teri Watson reported that she has been trying to obtain the NIOSH firefighter cancer presumption report, but she has hit a dead end. It appears no one has any information. She believes the report is in progress, but she is uncertain.
- (00:24:15) Sarah Merrick stated she does not think the registry is well known, as it is not mandatory for firefighters to complete the registration. The registry studies short- and long-term effects, so they need more firefighters to report their data.
- (00:24:59) Scott Strickland agreed with Sarah Merrick, stating that the co-chairs are committed to reviewing any available report as presented. However, if there is no report, there is nothing to review.
- (00:26:10) **Ombuds Office for Oregon Workers video update – Barbra Anderson**  
Barbra Anderson, ombuds for Oregon workers, gave an update on worker-friendly items on the ombuds’ website:
- The video on how to fill out an 801 has been completed and will be available in Spanish soon.
  - Work is underway to make the website more user-friendly.
  - There will be additional information on the website regarding Oregon OSHA safety and health requirements.
  - Additional information about how workers can participate in rulemaking will also be available.
- Once the 801 video is completed, it will be sent out to MLAC members.
- (00:29:02) **Workplan review/update – Teri Watson**  
Members discussed ideas for the [workplan](#):
- “Report on firefighter cancer presumption...” will be kept on the workplan
- (00:33:10)
- Sarah Merrick will reach out the registry and “old helmet” departments to see what MLAC can do to increase participation in the registry and to facilitate the report.
  - Sarah Merrick and Teri Watson will meet to discuss the basics for creating a subcommittee for this topic.
-

- 
- (00:39:06) • Under the educational session bullet, two and three are tied into other items.
- There will be an in-person insurer perspective panel in November and injured worker perspective panel in December.
- (00:40:19) ■ The panelists could comment about some workplan topics.
- (00:41:49) • It was clarified that Oregon OSHA is not connected to the NIOSH report. NIOSH is under the Centers for Disease Control; however, it could be a place to reach out for additional information.
- (00:44:59) Director Stolfi offered to provide an educational session to inform MLAC members about the annual premium rate setting process. Members accepted the offer, and the educational session will be scheduled in the future.
- (00:47:46) Scott Strickland suggested adding “regulators’ perspectives tour start to finish” to the workplan.
- (00:49:21) Patrick Priest suggested hearing about open-ended time loss from both the injured worker and employer perspective. Scott Strickland also suggested giving stakeholders a list of topics that are of interest to prioritize.
- (00:51:40) There was feedback from two stakeholders from the MLAC survey, but there has not been feedback from stakeholders about the MLAC [video](#).
- (00:54:12) Teri Watson presented the requested mental health information for the August mental health training.
- (00:55:15) Sara Duckwall requested information about the percentage of mental health claims versus other injury claims. Stacy Lewallen also requested information for the timeline of all claims. Teri Watson will provide the information.
- (00:56:38) Scott Strickland asked if there has been a legislative or regulatory change in the definition during the time period of the study. Teri Watson answered that SB 507 was effective on Sept. 29, 2019, so claims changed during that time.
- (00:57:35) Scott Strickland asked if any additional rulemaking from SB 507 has been in effect and unmodified throughout that time or might there be any additional information that explains the trends. Teri Watson will provide the information.
- (01:00:36) Sarah Merrick suggested that, although mental health claims might have been accepted by the workers’ compensation insurer, it’s possible that mental health claims were not accepted by the health insurer offered to PERS retirees. However, it might have changed, or it is getting changed, which might have influenced the trends.
-

- 
- (01:01:16) Stacy Lewallen suggested finding data of the top categories of claims over the past five years to compare it to mental health claims.
- (01:02:58) To Scott Strickland's question, Teri Watson answered that bus drivers, truck drivers, registered nurses, and first responders were industries that had the highest mental health claims.
- (01:03:37) Sara Duckwall suggested using the data to drive upcoming MLAC trainings and sharing the information with the trainers.
- (01:04:36) Scott Strickland asked if the data could be broken down by regions or location.
- (01:05:56) Patrick Priest asked for more information about the dollar change in mental health claims.
- (01:06:51) Sarah Merrick asked for data about workers who were able to return to work after a mental health claim versus workers who could not. Stacy Lewallen asked for the timeframe of workers who were able to return to work. Scott Strickland also asked about any worker mental health re-training, as well as data comparing Oregon mental health claims to other states.
- (01:09:17) **Upcoming meetings –July meeting cancelled and Aug. 1 meeting in-person**  
Sara Duckwall, Margaret Weddell, and Lorne Bulling noted that they will be remote for the August meeting.

---

**Meeting Adjourned** Scott Strickland adjourned the meeting at 11:12 a.m.

\*These minutes include time stamps from the meeting video found here:  
[DCBS Management-Labor Advisory Committee \(MLAC\) June 6, 2024 Meeting - YouTube](#)

\*\*Referenced documents can be found on the MLAC Meeting Information page here:  
<https://www.oregon.gov/DCBS/mlac/Pages/2024-meetings.aspx>