

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE

Full Committee Meeting

May 1, 2025
10 a.m.–12 p.m.

Committee members present via zoom:

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

Staff:

Teri Watson, MLAC Committee Administrator
Baaba Ampah, MLAC Assistant

Agenda Item	Discussion
Opening (00:00:00)	Affirmation and Roll Call Co-Chair Patrick Priest called the meeting to order, and shared an affirmation. Teri Watson called the roll of members. A quorum was present.
(00:1:34)	Public Comments Kirsten Adams, Director and Counsel of Policy and Public Affairs for Associated General Contractors (AGC), Oregon Columbia Chapter, raised concerns about SB 174, which is currently awaiting a second reading in the senate before receiving a vote. She explained that the bill allows for third-party lawsuits under the Unlawful Trade Practices Act (UTPA) related to insurance. Kirsten shared that the bill has been brought forward in various forms over the past 20 years, and workers' compensation insurance has historically been amended to exempted from the bill. However, SB 174 passed out of committee with workers' compensation insurance included even though stakeholders raised concerns about the workers' compensation insurance exemption. Kirsten stated this inclusion could impact exclusive remedy in the workers' compensation system by allowing lawsuits that currently are not permitted. She urged the committee to consider bringing the bill to MLAC for review, given it impacts workers' compensation system and the exclusive remedy.

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- (00:05:30) Sara Duckwall asked why SB 174 has not been flagged for MLAC's review. Theresa VanWinkle, DCBS Legislative Director, answered that the governor's office directed DCBS to refrain from bringing the bill to MLAC and to wait to see how it progresses in the legislature. She would pass the committee's discussion and concerns to the governor's office for their awareness.
- (00:06:50) Sara Duckwall expressed that she would like the bill to be brought to MLAC if it moves out of the senate. Theresa VanWinkle responded that given the nature and the directive from the governor's office, any deliberation would require clearance. She would coordinate with MLAC Co-chairs and administrator before any scheduling could proceed.
- (00:07:24) Director Andrew Stolfi was noted as present.
- (00:08:23) Theresa VanWinkle confirmed that the governor has authority to tell MLAC not to deal with workers' compensation issues since it is a governor appointed board.
- (00:09:12) Lorne Bulling noted that since MLAC serves under the governor's discretion, he prefers to defer to the governor's stance on the bill. Also it is late in the legislative process for the bill to come before MLAC.
- (00:09:50) Margaret Weddell agreed with Lorne Bulling, but before opinionating whether it is appropriate for MLAC to review the bill, she would want to review it to understand the concerns regarding its effect on exclusive remedy.
- (00:10:16) Co-chair Priest noted that although MLAC has not been asked to formally review SB 174 at this time, the bill is a publicly available document, and members are free to review it individually. He stated that exclusive remedy seems core to workers' compensation, and would like to better understand it.
- (00:11:14) Theresa VanWinkle explained that the bill is slated to be voted by the senate chamber and has no definitive date set for floor action. She offered to pass any committee information along to the governor's office for consideration.
- (00:12:05) Sara Duckwall wished for MLAC to put a statement forward for SB 174 to be reviewed by MLAC if the bill passes the senate.
- (00:13:29) Continuing under Public Comment, Shawn Miller, American Property Casualty Insurance Association (APCIA), testified that he has been involved in this debate for many years, and the addition of others suing insurance companies is concerning. He explained that although others requested workers' compensation to be exempted from the bill, it was included. Shawn Miller stated that its implication will revert the workers' compensation back to the 1980's, where exclusive remedy was undermined.
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- (00:15:42) A caucus was taken.
- (00:16:08) Sara Duckwall stated that MLAC would like more information on SB 174, with the opportunity to review the impact to the workers' compensation system, if the bill moves out of the senate.
- (00:16:48) Director Stolfi noted that the department is monitoring the bill and if it is scheduled, the co-chairs will be notified. Theresa VanWinkle added that she and another policy analyst will be monitoring the bill-watching hearings and can provide synopsis analysis when the time comes.
- (00:17:12) Lorne Bulling stated that although co-chair Strickland is absent, the labor caucus respects the governor's position on this bill and management's request for more information. However, the labor caucus would not like to take any action on this bill until it is in the direct purview of MLAC.

Review minutes - March 20 , March 27, March 31, and April 3

- (00:18:24) The Mar. 20, Mar. 27, Mar. 31, and Apr. 3 minutes were presented. Sara Duckwall moved to approve all four set of minutes as presented, and Sarah Merrick seconded the motion. The motion passed unanimously.

Department updates

Workers' Compensation Board case law updates – Autumn Blake

- (00:19:58) There were no case law updates.

Workers' Compensation Division (WCD) updates – Teri Watson

- (00:20:34) Teri Watson informed that Kelli Borushko, DCBS Senior Economist, provided [follow-up information](#) in response to co-chair Strickland's questions about the Workers' Benefit Fund. The subject was deferred to the next MLAC meeting.
- (00:21:40) Teri Watson also updated that Lauren Eldridge, WCB Managing Attorney, will give a case report in June on the Workers' Compensation Board from January to March.
- (00:22:16) Co-chair Priest recognized and thanked Director Andrew Stolfi for his leadership and support of MLAC as he leaves for a new role. He highlighted Director Stolfi's effort to keep co-chairs informed, and involving them in department hirings. Director Stolfi showed his appreciation, noting that he will become the Director of Oregon's Employment Department starting June 23. He mentioned that his move is part of a broader agency directors transition, and the governor has a nationwide recruitment for the DCBS Director— which will be announced in mid-May. MLAC might be called to participate in the stakeholder panel.
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- 2025 MLAC Legislative Bill Review –**
- (00:26:20) Teri Watson noted that the 2025 Legislative Bill Review was sent to MLAC members for reference. It includes a list of 2025 previously reviewed bills and the actions taken by the committee.
- Review updated workplan:**
- (00:27:19) Teri Watson noted that the two highest priorities are the subcommittees for HB 3374 and SB 705.
- (00:28:30) Teri clarified that there will be two different subcommittees. One subcommittee focused on issues related to HB 3374, including administrative burden, lack of providers, access to care, systematic solutions, and MCO communication. The other subcommittee relating to SB 705, would address average weekly wage and Temporary Total Disability (TTD) benefits.
Margaret Weddell added that SB 705 does not have anything related to open-ended time loss and the two issues are separate. There is no bill regarding open-ended time loss.
- (00:30:29) Co-chair Priest highlighted that HB 3374 addressed administrative burden and lack of providers for workers' compensation system, access issues, systematic solutions, and MCOs communications with workers. Teri Watson clarified that the vehicle is HB 3374, but there may be more content to the information. She clarified that a separate subcommittee had already completed the work on open-ended time loss. Although listed on the work plan, open-ended time loss is not intended to be a primary focus of a new subcommittee but rather additional dialogue in subcommittee.
- (00:32:43) Sara Duckwall suggested simplifying the subcommittees to address access to care issues, while the other focuses on TTD and the impact on low wage earners. The subcommittee has a charge to parse it out and return to the full committee for recommendation.
- (00:34:58) It was confirmed that Emily Rivas and Kim Schlessinger are chairing the access to care subcommittee.
- (00:35:37) It was confirmed that Stacey Lewallen and Lorne Bulling are chairing the TTD for low-income workers subcommittee.
- (00:38:18) Sara Duckwall motioned for MLAC to form two subcommittees to deal with overarching issues that have been raised in the workers compensation system. One addresses impact care issue with Emily Rivas and Kim Schlessinger as the co-chairs, and the other one address the impact of low-wage earners of TTD with Lorne Bulling and Stacy Lewallen as co-chairs. Sarah Merrick seconded the motion. The motion passed unanimously
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- (00:40:10) Sara Duckwall asked for a master calendar with reoccurring agenda items throughout the year. Teri Watson responded that DCBS has a calendar that includes DCBS related topics, and MLAC can add to the calendar.
- (00:41:47) Co-chair Priest hoped for a topic-based calendar that tracks when reoccurring MLAC topics are being discussed. He continued that if such reoccurring topics are included in everything the department does, they might get lost.
- (00:43:43) Teri Watson asked the committee for the target audiences and goals of the focus groups. Co-chair Priest responded that the two subcommittees, access to care and TTD for low-wage earners, would be a good starting point . He suggested that members take this topic offline and come back next meeting with suggestions. Co-chair Priest added that he would like to know more about exclusive remedy.
- (00:45:52) Zoe Alley and Rafael Robles, DCBS research team, provided input on the focus groups. Zoe explained that the more the committee could define its goals the more specific the research team could be. Rafael added that knowing the specific questions MLAC wants to explore would help determine which stakeholders to involve, how many focus groups might be needed, and how long it might take. They offered to follow up with a list of information prompts to help MLAC narrow its their focus. Zoe clarified that MLAC’s interest seems to be in access to care, its experience from employer and employee, and low-wage earners.
- (00:48:45) Co-chair Priest noted that it would be interesting to hear from providers who choose not to participate in workers’ compensation. Emily Rivas agreed, emphasizing that perspectives of provider and the barriers they face, especially in rural areas, would be helpful.
- Upcoming meetings – June 5, 2025, virtual meetings**
- (00:50:40) Sara Duckwall moved for MLAC to adjourn the meeting and Lorne Bulling seconded the motion. The motion passed.

Meeting Adjourned Co-chair Priest adjourned the meeting at 11:34 a.m.

*These minutes include time stamps from the meeting video found here:
<https://www.youtube.com/watch?v=LN8tFk5HTCs>

**Referenced documents can be found on the MLAC Meeting Information page here:
<https://www.oregon.gov/DCBS/mlac/Pages/2025-meetings.aspx>