

March 27, 2019 12:00 PM

Most recent language proposals with OTLA's sections of concern highlighted.

**Diagnostics:**

**ORS 656.245(1)(b):** **Notwithstanding subsection (1)(a)**, after the industrial accident injury or occupational disease **claim** has been finally determined compensable, diagnostic services that are reasonable and necessary to identify the nature or extent of medical conditions which may be related to the industrial accident or occupational exposure are compensable diagnostic services. **Except for diagnostic injections, surgery and surgical procedures are not compensable diagnostic services.**

**Ceases denials:**

**ORS 656.266(2)** Notwithstanding subsection (1) of this section, for the purpose of combined condition injury claims under ORS 656.005(7)(a)(B) only:

**(a)** When the worker establishes an otherwise compensable injury the employer shall bear the burden of proof to establish the otherwise compensable injury is not the major contributing cause of the disability of the combined condition or the major contributing cause of the need for treatment of the combined condition.

**(b)** For denials issued under **ORS 656.262(6)(c)**, the employer shall bear the burden of proving that the otherwise compensable condition, and any other ~~pathological~~ effects of the industrial accident, **based upon objective medical findings**, are no longer the major contributing cause of the need for treatment or disability of the combined condition.