

**WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE**

Management-Labor Advisory Committee

Full MLAC Meeting

**Labor & Industries Building, Room 260
350 Winter Street NE, Salem, OR**

Friday, May 3, 2019

10 a.m. – Noon

Committee Members Present:

Kathy Nishimoto, Duckwall Fruit

Kimberly Wood, Perlo Construction

Kevin Billman, United Food and Commercial Workers

Diana Winther, IBEW Local 48

Jill Fullerton, Clackamas County Fire Department {via conference call}

Lynn McNamara

Aida Aranda, Oregon and Southern Idaho Labor-Employers Trust {via conference call}

Tammy Bowers, May Trucking

Committee Members Excused:

Ateusa Salemi, Oregon Nurses Association

Alan Hartley

Cameron Smith, *Ex officio*

Staff:

Theresa Van Winkle, MLAC Committee Administrator

Adonia Stevens, DCBS, Director's Office

Agenda Item

Discussion

Opening

(00:00:00)

Kimberly Wood: calls meeting to order.

Theresa Van Winkle takes roll.

Kimberly Wood: The stake holders of House Bill 3022 have reached a consensus on the [-6 amendments](#).

Kathy Nishimoto: in the -6 amendment of HB 3022, page 11, line 19, “apply to all claims or causes of action that exist or that arise on or after...” asks if that applies to open claims?

Elaine Schooler, SAIF Corp.: clarifies it would apply to open accepted claims under the diagnostic services provision but not ceases denials.

(00:03:21) Kevin Billman makes a motion to support HB 3022 with the -6 amendments, Kathy Nishimoto seconds.

The motion is passed with eight ayes (Alan Hartley and Ateusa Salemi excused.)

SB 507

Kimberly Wood: calls forward Senate Bill 507 and the [-8 amendments](#).

Tammy Bowers: asking about the word “and” in the first line.

Theresa Van Winkle: clarifies what statutes in the bill are being changed.

Kathy Nishimoto: is seeking clarification on page 2 line 17, “more likely than not satisfied the diagnostic criteria”

Elaine Schooler, SAIF Corp: “more likely than not” is undefined in the amendment. Interpretation is that it would be more than 50 percent belief that the diagnosis is correct.

Kathy Nishimoto: it would be defined in the courts, how would that work?

Elaine Schooler, SAIF Corp: It would be defined through the courts and the diagnosing professional.

Kimberly Wood: Would this be something that would have to be proven in the court or would you have to go define it?

Elaine Schooler, SAIF Corp: The doctor would then have to explain why the specific diagnoses of acute anxiety disorder or post-traumatic stress disorder is meets the defined criteria as defined in the DSM 5 manual from a single event or long term exposure.

Diana Winther: So that could be challenged the same way as any other diagnosis?

Elaine Schooler, SAIF Corp: the diagnosing professional would have to explain why and show evidence of the diagnosis, just like any other claim.

(00:08:48) Kevin Billman makes a motion to support SB 507 with the -8 amendments, Jill Fullerton seconds the motion.

The motion is passed with eight ayes (Alan Hartley and Ateusa Salemi excused.)

(00:09:30) Meeting adjourned.