



**Oregon**

Tina Kotek, Governor



Department of Consumer  
and Business Services

March 2, 2023

TO: Catie Theisen, AFL-CIO  
FROM: Cara Filsinger, Senior Policy Analyst  
SUBJECT: Data request re: HB 3467

You requested Workers' Compensation Division data for complaints we receive about issues related to HB 3467. We pulled data specifically for complaints about worker direction of care (ORS 656.260(21)), inducement not to file claims (ORS 656.745(1)), and direction of care related to onsite medical/first aid. A spreadsheet is attached showing this information.

A bit of background on this information:

- The first part of the spreadsheet shows complaints received by year, sorted by topic.
- An internal triage team investigates complaints. The team processes other types of complaints aside from the subjects noted above, which is why there is an "other" category on the spreadsheet.
- The division receives complaints directly from workers and via referrals from the Bureau of Labor and Industries. The center part of the spreadsheet shows the source of complaints.
- Outcomes were not tracked systematically prior to 2019. The outcomes tracked since then include:
  - o Orders are official actions against a party with appeal rights. An order could include penalties.
  - o Letters of education and rights inform workers and employers about responsibilities and explain future investigations could result in a penalty.
  - o The remaining investigation outcomes include:
    - Worker filed claim or a noncomplying employer claim was referred for processing.
    - Complaint dismissed for various reasons, including lack of evidence, no response from worker, or no findings.
    - Some complaints were transferred to OSHA (under their jurisdiction) or were deferred due to litigation at the Workers' Compensation Board or court.
    - There were other miscellaneous resolutions, such as another party provided training to employer.
    - Active complaints are still in progress.

Please let us know if you have questions or need clarification about this information.

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
<b>Triage Investigations</b>	<b>9</b>	<b>32</b>	<b>19</b>	<b>13</b>	<b>15</b>	<b>20</b>	<b>17</b>	<b>32</b>	<b>20</b>	<b>23</b>	<b>20</b>
Direction of care - ORS 656.260(21)	3	13	5	9	5	7	6	6	4	4	2
Inducement not to file claim - ORS 656.745(1)	2	12	4	1	6	9	4	15	9	11	12
Inducement not to file and direction of care	0	0	7	0	0	1	5	4	3	0	2
Onsite Medical Care / First Aid (direction of care-related)	0	0	0	0	1	0	0	0	2	2	0
Other topics	4	7	3	3	3	3	2	7	2	6	4
<b>Source of Referral</b>											
Direct to Workers' Compensation Division	9	32	19	13	15	14	11	20	8	14	12
Bureau of Labor and Industries (BOLI)	0	0	0	0	0	6	6	12	12	9	8
<b>Outcomes</b>											
Orders	-	-	-	-	-	-	-	3	0	1	0
Letter of education and rights	-	-	-	-	-	-	-	10	14	10	5
Worker filed claim or a noncomplying employer claim was referred for processing	-	-	-	-	-	-	-	3	0	1	0
Dismissed (No findings, no response from worker, lack of evidence)	-	-	-	-	-	-	-	13	4	1	6
Withdrawn by complainant	-	-	-	-	-	-	-	0	0	2	0
Transferred to OSHA	-	-	-	-	-	-	-	1	0	1	0
Deferred due to litigation at Board or Court	-	-	-	-	-	-	-	0	0	2	2
Other resolution	-	-	-	-	-	-	-	2	2	3	1
Active / in process	-	-	-	-	-	-	-	0	0	2	6
<i>Note</i> : Outcomes are tallied under the request year and not the date of action. Outcomes were not systematically tracked prior to 2019											
Source: Oregon Workers' Compensation Division, 2023											