

# Oregon Ombudsman for Injured Workers Annual Report, CY 2004

Information Management Division

Department of Consumer & Business Services

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## Introduction

The Ombudsman for Injured Workers (OIW) is an independent advocate for workers experiencing problems with the Oregon workers' compensation system. The ombudsman's office provides information about benefits, the claims process, and worker rights. In addition, the office investigates worker complaints, mediates, negotiates, and makes referrals in order to resolve problems. The OIW also provides information about workers' compensation and injured-worker issues to insurers, employers, workers, and policymakers. The office reports on its activities and makes recommendations to the governor.

The director of the Department of Consumer and Business Services appoints the ombudsman, with the governor's concurrence. The legislature established the

OIW in 1987. The office consists of the ombudsman and seven staff members.

This report provides information about inquiries, contacts, the issues involved, and the types of assistance provided.

## Inquiries

The OIW received 12,752 inquiries in 2004 (Table 1), about 13.4 percent fewer than the record-high 14,730 of 2003. For 2001-2004, the injured worker was the inquirer for 90.6 percent of the inquiries.

Table 2 provides information about the nature of inquiries.

An increasing number of inquiries required foreign language skills, as shown in Figure 1. In 2004, almost 30 percent of inquiries required such skills.

**Table 1. New inquiries by inquirer type, 2001-2004**

Inquirer type	2001		2002		2003		2004	
	Inquiry count	Share of total*						
Attorney	86	0.8%	93	0.7%	69	0.5%	61	0.5%
Workers' Comp. Board	220	2.0%	273	2.2%	350	2.4%	404	3.2%
Director's Office	5	0.0%	0	0.0%	0	0.0%	1	0.0%
Employer	95	0.9%	133	1.0%	93	0.6%	89	0.7%
Governor's Office	57	0.5%	51	0.4%	37	0.3%	48	0.4%
Hearings Division	16	0.1%	5	0.0%	3	0.0%	3	0.0%
Injured worker	9,852	90.0%	11,468	90.4%	13,463	91.4%	11,531	90.4%
Insurance company	82	0.7%	79	0.6%	97	0.7%	75	0.6%
Insurance Division	37	0.3%	23	0.2%	22	0.1%	33	0.3%
Legislator	54	0.5%	35	0.3%	22	0.1%	30	0.2%
Medical provider	172	1.6%	208	1.6%	258	1.8%	184	1.4%
Miscellaneous	151	1.4%	184	1.5%	151	1.0%	118	0.9%
OSHA	1	0.0%	1	0.0%	1	0.0%	0	0.0%
Other agency	36	0.3%	48	0.4%	72	0.5%	60	0.5%
Union rep.	24	0.2%	28	0.2%	27	0.2%	15	0.1%
Voc. provider	5	0.0%	3	0.0%	4	0.0%	5	0.0%
Workers' Comp. Div.	51	0.5%	53	0.4%	61	0.4%	95	0.7%
<b>Totals</b>	<b>10,944</b>	<b>100.0%</b>	<b>12,685</b>	<b>100.0%</b>	<b>14,730</b>	<b>100.0%</b>	<b>12,752</b>	<b>100.0%</b>

\*Percentages may not equal to 100 due to rounding.

## Contacts

In order to receive and respond to inquiries in 2004, OIW made 58,130 contacts (see Figure 2). The number of contacts increased fivefold from 1989 to 1996, and increased by 61.3 percent from 1997 to 2004. (Counting procedures changed between 1996 and 1997, so numbers are not perfectly comparable between periods.) In 2004, 89.2 percent of the contacts were phone calls, 6.2 percent came during outreach activities, 3.2 percent were by mail, and 1.4 percent were walk-ins.

## Issues

Table 3 details the top 30 issues in 2004 inquiries, along with the rank of each in previous years. The top 30 issues represent almost 82 percent of 2004 inquiries. The top five to seven issues have remained fairly consistent for the past few years. Only three issues were in the 2002 or 2003 top 30 but are not listed in the 2004 top 30: disputed claim settlements, wage calculation, and inability to find representation.

Table 4 categorizes issues according to 10 “issue groups.” For the four-year period, 20 percent of inquiries were about benefits (time loss, claim status, vocational assistance, permanent partial disability, etc.), 18.1 percent were about claim processing (claim reporting, general processing, aggravation, cost reimbursement, etc.), and 15.1 percent were about medical issues (treatment rights, new condition, medical bills, attending physician problem, etc.). These three issue classes accounted for 53.2 percent of the inquiries; no other group accounted for as much as 10 percent.

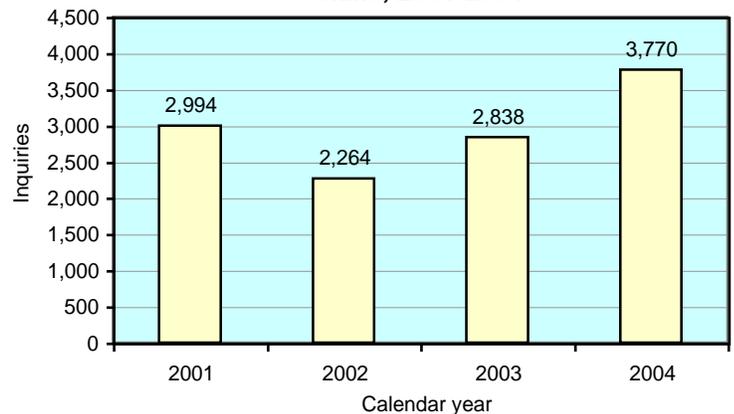
**Table 2. Nature of inquiries.**

Nature	2001	2002	2003	2004
Provide information*	78.3%	81.1%	83.1%	82.4%
Provide assistance**	21.7%	18.9%	16.9%	17.6%
Total	100.0%	100.0%	100.0%	100.0%

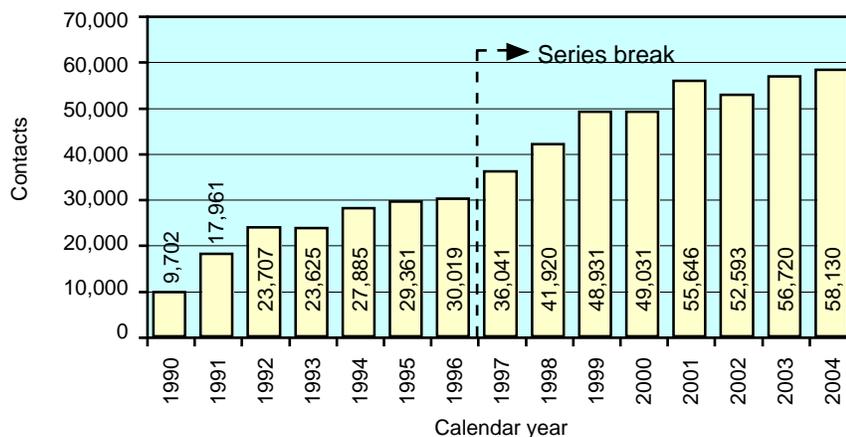
\* Means providing information or education.

\*\* Means additional contacts are required in order to provide specific information, or the OIW advocates on behalf of a worker in order to reach a resolution.

**Figure 1. Inquiries requiring foreign-language skills, 2001-2004**



**Figure 2. Ombudsman for Injured Workers contacts, 1990-2004**



**Table 3. Top 30 issues for inquiries in 2004, with corresponding 2001-2003 rank and data**

2004 Rank	Type of issue	2001			2002			2003			2004		
		Issue count	Rank	Share of total	Issue count	Rank	Share of total	Issue count	Rank	Share of total	Issue count	Rank	Share of total
1	Time loss	1,838	1	10.7%	1,761	1	9.2%	2,133	1	8.9%	1,583	1	8.4%
2	Medical treatment rights	1,222	2	7.1%	1,069	2	5.6%	1,512	2	6.3%	1,249	2	6.6%
3	Claim denial	964	3	5.6%	1,067	3	5.6%	1,256	3	5.3%	1,151	3	6.1%
4	Litigation	732	5	4.3%	840	5	4.4%	1,185	4	5.0%	952	4	5.0%
5	Reporting claim	861	4	5.0%	1,042	4	5.4%	1,083	5	4.5%	893	5	4.7%
6	Modified release problems	593	7	3.5%	634	6	3.3%	927	6	3.9%	718	6	3.8%
7	General processing questions	318	17	1.9%	469	16	2.5%	731	9	3.1%	690	7	3.6%
8	Reconsideration process & order	576	8	3.4%	609	9	3.2%	836	7	3.5%	623	8	3.3%
9	Employer problems	484	11	2.8%	618	8	3.2%	674	10	2.8%	583	9	3.1%
10	Aggravation	512	9	3.0%	534	10	2.8%	746	8	3.1%	556	10	2.9%
11	New condition	259	20	1.5%	355	19	1.9%	616	13	2.6%	536	11	2.8%
12	Settlement	0	0	0.0%	1	69	0.0%	466	20	1.9%	498	12	2.6%
13	Claims disposition agreement	630	6	3.7%	501	12	2.6%	546	15	2.3%	475	13	2.5%
14	BOLI issue	445	13	2.6%	495	13	2.6%	539	16	2.3%	475	14	2.5%
15	Claim status	510	10	3.0%	479	14	2.5%	508	19	2.1%	468	15	2.5%
16	Notice of Closure	406	15	2.4%	525	11	2.7%	634	11	2.7%	450	16	2.4%
17	Vocational assistance	410	14	2.4%	462	17	2.4%	508	18	2.1%	408	17	2.2%
18	Medical bills	452	12	2.6%	627	7	3.3%	632	12	2.6%	392	18	2.1%
19	Permanent partial disability	392	16	2.3%	476	15	2.5%	523	17	2.2%	371	19	2.0%
20	Claim cost reimbursement	294	19	1.7%	311	20	1.6%	383	21	1.6%	351	20	1.9%
21	Insurer problems	313	18	1.8%	429	18	2.2%	551	14	2.3%	346	21	1.8%
22	Claimant problem with representation	157	25	0.9%	197	24	1.0%	277	25	1.2%	228	22	1.2%
23	Claim closure	248	21	1.4%	236	21	1.2%	281	24	1.2%	227	23	1.2%
24	Attending physician problem	150	26	0.9%	187	25	1.0%	350	22	1.5%	220	24	1.2%
25	Changing attending physician	170	23	1.0%	146	30	0.8%	325	23	1.4%	200	25	1.1%
26	Partial denial	111	31	0.6%	167	28	0.9%	248	28	1.0%	195	26	1.0%
27	Own motion reopening and order	134	28	0.8%	199	23	1.0%	269	26	1.1%	184	27	1.0%
28	Non-workers' compensation	142	27	0.8%	178	26	0.9%	229	30	1.0%	164	28	0.9%
29	Noncomplying employer	103	33	0.6%	145	31	0.8%	136	39	0.6%	155	29	0.8%
30	Insurer medical exam	166	24	1.0%	161	29	0.8%	263	27	1.1%	145	30	0.8%
	Other issues*	1,224		7.1%	1,351		7.1%	1,294		5.4%	921		4.9%
	Unable to contact**	623		3.6%	628		3.3%	319		1.3%	522		2.8%
	Remaining issues***	1,747		10.2%	2,232		11.7%	2,938		12.3%	2,019		10.7%
<b>Totals</b>		<b>17,186</b>		<b>100.0%</b>	<b>19,131</b>		<b>100.0%</b>	<b>23,918</b>		<b>100.0%</b>	<b>18,948</b>		<b>100.0%</b>

\* Issues that do not fit into specific issue categories  
 \*\* Cases where staff have been unable to contact inquirer after initial contact  
 \*\*\* Issues not in the 2004 top 30

**Table 4. Percentage of new inquiries by issue group, 2001-2004**

Major issue group	Year			
	2001	2002	2003	2004
Attorney	1.6%	2.0%	2.3%	2.3%
Benefit	21.9%	20.7%	19.4%	18.5%
Claim processing	17.2%	18.1%	18.2%	18.8%
Denials	6.7%	7.2%	7.1%	7.7%
Medical	14.6%	14.2%	16.3%	15.0%
Orders & appeals	7.8%	8.7%	9.6%	8.5%
Settlements	9.3%	8.4%	10.2%	11.0%
Unable to contact*	3.6%	3.3%	1.3%	2.8%
Work release	6.8%	7.1%	7.3%	7.6%
Other issues	10.4%	10.4%	8.5%	8.0%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

\*Cases where staff has been unable to contact inquirer after initial contact

# Oregon Injured Workers: You have an advocate!

**Free help is just a phone call away.**

If you are unsure of your rights as an injured worker, call the Ombudsman for Injured Workers.

The Ombudsman for Injured Workers is an independent advocate for Oregon's injured workers.

The ombudsman's staff can give you straight answers, at no charge, about the following:

- ❖ **Benefits**
- ❖ **Rights**
- ❖ **Responsibility**
- ❖ **Closures**
- ❖ **Disability**
- ❖ **Reconsideration**
- ❖ **Aggravation**
- ❖ **Settlements**
- ❖ **Appeals**

Call the toll-free number, (800) 927-1271, or if you're in Salem, call (503) 378-3351.

Visit the Ombudsman for Injured Workers Web site:

<http://oregon.gov/DCBS/OIW>

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