

**Workers' Compensation Board
Tuesday, September 16, 2014
1:30 p.m.**

Meeting Minutes

Present: Holly Somers, Chair
Sally Curey, Member
Judy Johnson, Member
Steve Lanning, Member
Margaret Weddell, Member
Roger Pearson, Managing Attorney
Joy Dougherty, Presiding Administrative Law Judge
Terry Bello, Administrative Services Division Manager
Karen Burton, Executive Assistant
Debra Young, Staff Attorney
Jennifer Flood, Ombudsman for Injured Workers

Call to Order

Chair Somers called the meeting to order.

Approval of Agenda and Order of Business

Lanning moved for approval of the agenda. Curey seconded. Motion carried.

Approval of Past Minutes

Lanning moved for approval of the June 17, 2014 meeting minutes. Johnson seconded. Motion carried.

Reports of Administrative Staff

Hearings Division: No report.

Board Review: No report.

Administrative Services Division: Bello is participating on the DCBS committee working on the external website design. The committee will be surveying stakeholders for input. In addition, the Serena content manager is nearing end of life, so new applications are being explored.

Unfinished Business

None.

New Business

Discussion of “housekeeping” rule change to OAR 438-019-0000(3) to amend its reference to OAR 438-005-0040(11) to OAR 438-005-0040(10) (the rule that defines a “party”).

Pearson summarized a minor housekeeping rule change which pertains to definitions under the Board’s “mediation” rules (OAR 438-019-0000(3)). Specifically the rule refers to the Board’s “party” definition in OAR 438-005-0040. However, the definition of “party” under OAR 438-005-0040 is now found in section (10), not (11), as set forth in the “mediation” rule.

Curey moved that the Board move forward with the housekeeping change. Lanning seconded. All in favor: Curey, Johnson, Lanning, Weddell, and Somers.

Pearson commented that notice of this housekeeping rule change will be filed with the Secretary of State’s office. In addition, an announcement will be noted on the website, as well as in the Board’s News & Case Notes.

Discussion regarding initiating rulemaking concerning proposed amendments to OAR 438-006-0020 (Acknowledgment of Hearing Request) and OAR 438-013-0025 (Expedited Claim Service – Notice of Hearing Date), which would amend references to “mail” acknowledgment/notice of hearing to “distribute.”

Pearson provided an overview of the rule proposals to OAR 438-006-0020 and OAR 438-013-0025 which change “mail” to “distribute” and “mailing” to “distribution.” Should such a rule amendment be adopted and assuming that the portal could be designed to do so, portal users could eventually receive their Notices of Hearing electronically, in lieu of a paper copy by regular mail. Pearson noted that previous rule amendments implementing the portal technology have covered “filing” and “service,” but not notices issued by the Board. If the Members approve, staff will prepare a proposed statement of need to be filed with the Secretary of State, with a rulemaking hearing scheduled for late-November.

Weddell moved that the Board move forward with rulemaking. Johnson seconded. All in favor: Curey, Johnson, Lanning, Weddell, and Somers.

Public Comment

None.

Announcements

None.

Adjournment

There being no further business, the meeting adjourned.