

Workers' Compensation Board
Thursday, September 19, 2019
10:00 a.m.

Meeting Minutes

Present: Connie Wold, Board Chair
Sally Curey, Member
Barbara Woodford, Member
Steve Lanning, Member
Roger Ousey, Member
Roger Pearson, Managing Attorney
Joy Dougherty, Presiding ALJ
Terry Bello, Administrative Services Division Manager
Greig Lowell, Project Manager
Autumn Blake, Board Review Staff
Elaine Schooler, SAIF

Call to Order

Chair Wold called the meeting to order.

Approval of Agenda and Order of Business

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

Approval of Past Minutes

Member Woodford moved for approval of the June 18, 2019 meeting minutes. Member Curey seconded. Motion carried.

Reports of Administrative Staff

Administrative Services Division: Bello updated the Members on the ongoing project throughout the Salem office. Chair Wold commended Bello for all of her hard work in organizing the project. Bello praised the hardworking crew. She also stated that the final area of the office space will be up and running by September 30th. She added that the common areas and the hearing rooms are scheduled to be completed later this year. Finally, the replaced furniture will be going to another agency for further use.

Concerning the business continuity plan, Bello reported that she had attended a meeting at the L&I building and learned that the plan will be updated.

Hearings Division: Dougherty stated that everything was going well. She also commended Bello on the project and thanked her for her work.

Board Review: No report.

Unfinished Business

No report.

New Business

Consideration of comments regarding the August 23, 2019 rulemaking hearing concerning the adoption of permanent rule amendments relating to: OAR 438-007-0020(6)(b). The proposed amendments: (1) change the period for a timely objection to a subpoena from seven calendar days to 10 calendar days; (2) require that a subpoena explain a recipient's obligations if a timely objection is received; and (3) require a subpoena to contain language describing the manner in which the recipient timely complies with the subpoena (i.e., provide the records, no sooner than 14 days after issuance of the subpoena, but not later than 21 days after issuance of the subpoena).

Adoption of permanent amendments to OAR 438-007-0020(6)(b).

Pearson reported that, after the Members requested a rulemaking hearing based on the Advisory Committee report, a public hearing was held on August 23, 2019, and no additional comments or testimony were received other than the "Statement of Filing/ Notice of Procedures" from Kayleen Atkins, WCB Administrative Rules Coordinator. If the Members decided to adopt the amended rule, Pearson suggested consideration of an effective date of January 1, 2020, which should allow parties to adjust their processes to accommodate the rule modifications.

Elaine Schooler expressed support on behalf of SAIF for the proposed changes including the clarification of what actions parties should take if an objection is received. She supported an effective date of January 1, 2020, which would allow SAIF to make the necessary system changes to comply with the rule amendments.

Member Ousey asked for clarification regarding what subpoenas would be affected. In response, Pearson stated that the rule amendments would apply to subpoenas issued on and after January 1, 2020. Member Ousey replied he had no concerns in adopting the changes as recommended. All Members agreed.

Member Curey moved to adopt the rule changes as outlined for OAR 438-007-0020(6)(b). Member Ousey seconded. Motion carried.

Public Comment

As above.

Announcements

Member Curey discussed the current contract negotiations regarding OSB's Workers' Compensation Section's Salishan conference. Chair Wold suggested that the Section consider the dates of May 13-15, 2021.

Adjournment

There being no further business, the meeting adjourned.