Workers' Compensation Board
Thursday, October 23, 2025
10 a.m.

MEETING MINUTES

In-Person/By Zoom Staff:
Joy Dougherty, Board Chair
Katherine Caldwell, Board Member
Melissa Douglas, Board Member
Roger Ousey, Board Member
Moisés Ceja, Board Member
Kerry Anderson, Project Manager
Jacqueline Jacobson, Presiding Administrative Law Judge
Andrea Alanis Miranda, Hearings Division Support Staff Manager
Lauren Eldridge, Managing Attorney
Cathy Ostrand, Assistant Managing Attorney
Amanda Pletcher, Administrative Services Division Manager
Christina Alston, WCB Budget and Policy Analyst
Autumn Blake, Board Review Coordinator
Mary MacKie, Workers' Compensation Division Policy Analyst

In-Person/ Zoom Attendees: Elaine Schooler, SAIF Corporation

Call to Order
Chair Dougherty called the meeting to order and welcomed the new Board members and new assistant managing attorney. The public and Workers' Compensation Board (WCB) staff members participated in the meeting by Zoom and in person in the Salem office.

Roll Call
Autumn Blake, Board Review Coordinator, took roll, reflected in the attendee list above.

Approval of Agenda and Order of Business
Chair Dougherty asked for a motion to approve the agenda and order of business. Member Ousey moved for approval of the agenda and order of business. Member Caldwell seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, aye. Motion passed; 5-0.

Approval of Past Minutes
Chair Dougherty asked for a motion to approve the September 11, 2025, meeting minutes. Member Ousey moved for approval of minutes from the September 11, 2025, meeting. Member Caldwell seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, abstain. Motion passed; 4-0, 1 abstention.

Division Reports/Updates
There were no division reports.

New Business
Proposed rule amendments to OAR 438-022 "Rulemaking Procedures"

Managing Attorney Lauren Eldridge presented proposed amendments to OAR 438 division 22 outlined in an October 13, 2025, memorandum to the Board.

Proposed amendments to OAR 438-022-0005 would provide an editorial note to refer readers to the location of the Attorney General's Model Rules for Rulemaking (AG Model Rules).

Managing Attorney Eldridge explained that the Administrative Procedures Act (APA) requires state agencies to adopt rules that set out an agency's rulemaking process. The current version of OAR 438-022-0010 provides that the Board must mail notice of its rulemaking actions to legislators provided in statute, the press, and those who sign up for notice of the Board's rulemaking actions. There are approximately 900 recipients on the Board's mailing list. The process to mail notices is time consuming, expensive, and cumbersome for staff. Stakeholders have also indicated that they prefer to receive information from the Board by email. Proposed amendments to OAR 438-022-0010 would allow the Board to provide electronic notice where consistent with statute and the AG Model Rules, as well as information on how to sign up for electronic and mailed notice.

Member Douglas asked if those on the Board's mailing list will receive a notice to sign up for email. Managing Attorney Eldridge responded that an email notice will be sent and an article will be published in WCB's newsletter. Member Douglas also asked if they will stay on the mailing list until they have signed up for email. Managing Attorney Eldridge responded in the affirmative.

Member Ousey asked if the Board is required to hold a rulemaking hearing to make this change. Managing Attorney Eldridge explained that, under the APA, the Board is only required to hold a rulemaking hearing if 10 or more stakeholders request a hearing, or if an organization with 10 or more members request a hearing. However, she did not anticipate such a request.

Member Douglas inquired about the process to adopt the proposed amendments. Managing Attorney Eldridge stated that the Board Members would vote to propose the rule, notice would be made in the Oregon Bulletin, the Board would hold an open comment period, and, based on any comments it receives, would later decide how to move forward.

Chair Dougherty invited public comment on the proposed amendments to OAR 438 division 22.

Elaine Schooler, SAIF Corporation, expressed her thanks to the Board for modernizing the rulemaking process. She shared that the Workers' Compensation Division uses an electronic notice process and it works to get information to interested parties in a timely manner. Schooler asked if WCB's website would be updated to reflect the change and inform users on how to sign up for electronic notification. Managing Attorney Eldrige answered that WCB would post the information prior to the website freeze.

There being no further public comments, Chair Dougherty closed receipt of public comments and moved to Board Member discussion.

Member Ousey moved to propose amendments to OAR 438-022-0005 and 438-022-0010 consistent with the suggested amendments in the October 13, 2025, memorandum. Member Ceja seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, aye. Motion passed; 5-0.

Chair Dougherty directed staff to prepare proposed amended rules to be published in the November 3, 2025, Oregon Bulletin and mailed to interested parties.

Proposed rule amendments to OAR 438-015-0019 "Cost Bill Procedures; Assessed Attorney Fees When the Claimant Prevails in a Cost Bill Dispute"

Chair Dougherty reminded the Members that the September rule concept proposed jointly by SAIF and the Oregon Trial Lawyers Association was referred to an advisory committee. She then explained that the amendments to ORS 656.386(1) made by House Bill (HB) 2799 (2025) would go into effect January 1, 2026. An October 13, 2025, memorandum proposed changes in OAR 438-015-0019 to the amount of costs and expenses that may be awarded when prevailing over a denied claim consistent with HB 2799 and effective January 1, 2026.

Chair Dougherty invited public comment on the proposed amendments to OAR 438-015-0019.

There were no public comments. Chair Dougherty closed receipt of public comments and moved to Board Member discussion.

Member Douglas summarized her understanding that the amount of expenses and costs would be amended consistent with HB 2799 and effective at the same time as the statutory amendment, but that the procedure for recovering those would remain the same until they go through rulemaking.

Member Ousey asked for clarification regarding the Board's work to amend OAR 438-015-0019 and if the Members would revisit the rule after the rules advisory committee makes its recommendations. Chair Dougherty stated that the committee's work would continue in order to address the process by which expenses and costs are requested and be brought forward for additional rulemaking.

Member Ousey moved to propose amendments to OAR 438-015-0019 consistent with the October 13, 2025, memorandum and HB 2799. Member Douglas seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, aye. Motion passed; 5-0.

Chair Dougherty directed staff to prepare proposed amended rules to be published in the November 3, 2025, Oregon Bulletin and mailed to interested parties. She also asked if the Board is able to notice both proposed rules simultaneously. Managing Attorney Eldridge explained that in order to notice proposed rules together, they must be closely related. WCB would, therefore, notice the proposed rules separately.

Member Ousey inquired about issuing a temporary rule. Managing Attorney Eldridge recommended that the Board permanently adopt the rule and make additional changes after the committee makes its recommendations. Member Douglas asked if temporary rules have to be reevaluated on a certain timeline. Managing Attorney Eldridge replied that, to her knowledge, they did not, but some procedural aspects could be bypassed. She offered to look into the matter, however. Member Douglas declined the offer.

General Public Comment
No public comments were made in person or online, or submitted prior to the meeting.

Announcements
Chair Dougherty announced that the Board meeting that was previously scheduled for December 16, 2025, will be moved to December 18, 2025.

She also announced that she had received an email during the meeting that maintenance to WCB's website would be postponed until January 2026. She reiterated that further information about specific dates would be shared in the Board's newsletter and on its website.

Project Manager Kerry Anderson explained that during website maintenance, information will be accessible but no updates will be made. Changes such as approved settlements and Board orders will not be published during maintenance.

Adjournment

Chair Dougherty asked for a motion to adjourn. Member Ousey moved to adjourn. Member Caldwell seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, aye. Motion passed; 5-0. Meeting was adjourned.