

**Workers' Compensation Board  
Thursday, December 18, 2025  
10:30 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  
Lauren Eldridge, Managing Attorney  
Cathy Ostrand, Assistant Managing Attorney  
Christina Alston, WCB Budget and Policy Analyst  
Autumn Blake, Board Review Coordinator  
Mary MacKie, Workers' Compensation Division

**In-Person/By Zoom Attendees:** Elaine Schooler, SAIF Corporation  
Julene Quinn, Quinn & Heus Law  
Anna Quinn, Quinn & Heus Law  
Theodore Heus, Quinn & Heus Law  
Jovanna Patrick, Hollander Lebenbaum & Patrick

**Call to Order**

Chair Dougherty called the meeting to order and thanked staff members for the work to prepare for the meeting. The public and Workers' Compensation Board (WCB) staff members participated in the meeting by Zoom and in person in the Salem office.

**Roll Call**

Board Review Coordinator Autumn Blake 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 Douglas moved for approval of the agenda and order of business. Member Ousey 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 October 23, 2025, meeting minutes. Member Douglas moved for approval of minutes from the October 23, 2025, meeting. Member Caldwell seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, aye. Motion passed; 5-0.

### **Division Reports/Updates**

There were no division reports.

### **New Business**

Consideration of five-year rule review report and comments regarding OAR 438-015-0125 “Bifurcation of Attorney Fee Award (Board Review)” under ORS 183.405

WCB received comments from four of the practitioners who were on the rule advisory committee and one claimant’s attorney. A summary of the review was provided to Board Members.

Chair Dougherty opened Board Member discussion to consider whether the rule has had the intended effect; whether the anticipated fiscal impact of the rule was underestimated or overestimated; whether subsequent changes in the law require that the rule be repealed or amended; whether there is continued need for the rule; and what impacts the rule has on small businesses.

Member Ousey stated that his comments would be repetitive of those submitted and that the rule had its intended effect. He continued that some commented that they would appreciate more expeditious decisions in bifurcated cases. He suggested the Board could accomplish this by limiting the size of submissions and approvals of requests for extensions of time. He observed that some briefs relating to attorney fees are longer than those regarding substantive issues. He supported the continuation of the rule.

Member Douglas agreed that limiting extension requests would help the Board come to a decision faster. She suggested that a rule amendment might be a way to do so.

Chair Dougherty stated that their discussion was limited to the current rule.

There was no further Member discussion.

Member Ousey moved to prepare a report and provide it to the Secretary of State and advisory committee consistent with the December 16, 2025, summary. Member Douglas seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, aye. Motion passed; 5-0.

Possible adoption of proposed rule amendments to OAR 438-022 “Rulemaking Procedures”

Chair Dougherty stated that at its October 23, 2025, meeting, the Board voted to propose rule amendments to the rulemaking procedures in OAR chapter 438 division 22. Amendments to OAR 438-022-0005 included the addition of a note to access the Attorney General’s Model Rules of Rulemaking. Amendments to OAR 438-022-0010 added the ability to receive notice of rulemaking electronically and additions to conform with statutory provisions.

She continued that notice of the proposed rule amendments was filed with the Secretary of State on October 29, 2025. Notice was also published in the November Bulletin, posted on WCB’s website, and given to interested parties and legislators. No rulemaking hearing was held. The deadline to submit a public comment was December 18, 2025. No written public comments were received.

Chair Dougherty invited public comments on the amendments to OAR 438-022-0005 and 438-022-0010. There were no public comments.

Chair Dougherty closed receipt of public comments and opened Board Member discussion. There was no Member discussion.

Member Ousey moved to adopt the proposed amendments to OAR 438-022-0005 and 438-022-0010, as outlined in Exhibits A and B of the notice, to be effective January 1, 2026. Member Ceja seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, aye. Motion passed; 5-0.

Possible adoption of 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 stated that at its October 23, 2025, meeting, the Board voted to propose rule amendments to OAR 438-015-0019 that would increase the amount a claimant may recover for expenses and costs after finally prevailing against a claim denial, consistent with House Bill (HB) 2799 (2025). HB 2799 increased the cap to \$3,500 and provided annual adjustments to the cap based on increases, if any, to the average weekly wage.

She continued that notice of the proposed rule amendments was filed with the Secretary of State on October 29, 2025. Notice was also published in the November Bulletin, posted on WCB’s website, and given to interested parties and legislators. No rulemaking hearing was held. The deadline to submit a public comment was December 18, 2025. One written public comment was received.

Chair Dougherty invited public comments on the amendments to OAR 438-015-0019. There were no public comments.

Chair Dougherty closed receipt of public comments and opened Board Member discussion.

Member Ousey asked about the status of the advisory committee that the Board implemented at its October 23, 2025, meeting which would discuss cost bill procedures in OAR 438-015-0019.

Chair Dougherty answered that the committee had met and its report would be due to the Board on January 15, 2026. The Board would be able to take additional action at that time.

Member Ousey asked if the comment the Board received should be forwarded to the advisory committee.

Board Review Coordinator Blake indicated that she would send it to the committee members.

Member Ousey clarified that the adoption of the proposed amendments to OAR 438-015-0019 would allow the Hearings Division to order reimbursement of costs and expenses up to the new statutory maximum. Chair Dougherty responded that HB 2799 becomes effective January 1, 2026, and the Board needs to have a rule that is consistent with the statute by that time.

There was no further Member discussion.

Member Ousey moved to adopt the proposed amendments to OAR 438-015-0019, as outlined in Exhibit A of the notice, to be effective January 1, 2026, and apply to all orders issued on and after January 1, 2026. Member Caldwell seconded. The Members voted as follows: Dougherty, aye; Ousey, aye; Ceja, aye; Caldwell, aye; Douglas, aye. Motion passed; 5-0.

### **General Public Comment**

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

### **Announcements**

Chair Dougherty announced that WCB's December newsletter contained a link to a calendar for Board meetings. The dates for 2026 meetings would be added soon. 2026 will be a busy year but the Board will try to avoid legislative conflicts. If anyone has questions or concerns about the dates, they can contact Board Review Coordinator Blake.

**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.