

WORKERS' COMPENSATION
MANAGEMENT-LABOR ADVISORY COMMITTEE
Full Committee Meeting

Nov. 2, 2023
10:00 a.m.-noon

Committee members present via Zoom:

Patrick Priest, Citycounty Insurance Services
Margaret Weddell, Labor Representative
Sarah Merrick, City of Salem Fire Department
Ryan Hearn, Roseburg Forest Products
Stacy Lewallen, Fortis Construction, Inc.
Matt Calzia, Oregon Nurses Association

Excused:

Sara Duckwall, Duckwall Fruit
Marcy Grail, IBEW Local 125
Scott Strickland, Sheet Metal Workers Local #16
John McKenzie, JE Dunn Construction
Andrew Stolfi, DCBS Director, *ex officio*

Staff:

Teri Watson, MLAC Committee Administrator
Baaba Ampah, MLAC Assistant

Agenda Item	Discussion
Opening (00:00:00)	Patrick Priest called the meeting to order, and Teri Watson called the roll of members. A quorum was present.
(00:02:55)	Public comment There was no public comment.
(00:03:53)	Review and approve minutes from Sep. 7 and Oct. 5, 2023 Matt Calzia motioned to approve the meeting minutes from the Sep. 7 and Oct. 5 meetings, and Sarah Merrick seconded the motion. The motion passed.
(00:05:50)	Department updates Workers' Compensation Board case law updates – Sara Larson There was no case law update.
(00:06:25)	Workers' Compensation update – Teri Watson Teri Watson provided an update for the Workers' Compensation Division:

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- House Bill 3412 allows physician assistants to be attending physicians for 180 days. House Bill 2696 requires a license for sign language interpreters in a medical setting.
 - WCD proposed rule changes to divisions 009, 010 and 015. There was a hearing on Oct. 24. Rules are expected to be published by mid-November and they will become effective Jan. 1, 2024.
 - WCD is also planning to adopt temporary rules, effective Jan. 1, 2024, in division 009.
 - ORS 656.248 requires WCD to update fee schedules annually. The stakeholder advisory committee is scheduled for Nov. 30. All MLAC members will receive a copy of the agenda via email and there will be a GovDelivery to all stakeholders regarding the rulemaking meeting.
 - WCD hopes to publish proposed rules by the end of December, have tentatively scheduled a hearing for Jan. 23, 2024, and rules are expected to be effective April 1, 2024.
 - WCD is updating 060 (Claims Administration) and 120 (Vocational Assistance). Several stakeholders have shown interest in participating in rulemaking advisory committees. Marie Loiseau, rules coordinator, will be reaching out to stakeholders after the 2024 short session.

DCBS Comm MLAC video update– Angela Van Grunsven

(00:09:40) Angela Van Grunsven was unable to complete the draft of the video today, but has completed the recorded voiceover, and a third of the animation. The draft of the video is expected to be completed by the next MLAC meeting on Dec. 5.

Legislative Concept

(00:10:35) Theresa Van Winkle, DCBS legislative director, provided an overview to MLAC members regarding the upcoming 2024 legislative session:

- Teri Watson sent out a call for legislative concepts to be submitted for review by MLAC. Those interested are encouraged to reach out to Teri to have legislative concepts considered.
- There is currently one bill for 2024 in MLAC’s purview, with additional concepts to come in January.
- The deadline for legislators, individual members, and committees to request legislative idea drafts to legislative council is Nov. 9, with a turnaround time set for Jan. 8.
- Theresa offered to make a calendar that incorporates legislative session deadlines and MLAC’s meeting schedule.
- Schedules of legislative hearings, in January’s interim, will become clearer on Open Day.
- Teri Watson provided the [legislative calendar](#) to MLAC members at the October 2023 meeting.

Workplan update –

(00:15:32) Teri Watson briefed that the revised workplan includes the presentations from the previous meeting. Additionally, a new topic, “Report on firefighter cancer

presumption from NIOSH”, is expected for presentation next year. These topics on the back of the table, separate from the main list of topics.

WCD Website Tour

- (00:16:26) Teri Watson presented a tour of the [Workers’ Compensation website](#).
- (00:22:02) Teri Watson shared popular publications:
- [What happens if I’m injured on the job?](#)
 - [Employer Responsibilities under the Oregon WC Law](#)
 - [My claim is nondisabling... For Injured Workers](#)
 - [Oregon Preferred Worker Program fact sheet](#)
 - [Claim Closure fact sheet](#)
 - [Oregon Workers’ Compensation FAQ](#)
- (00:27:44) MLAC members noted that they preferred the program format over the short format. The smaller format seems overwhelming to read through, whereas the large format is less overwhelming.
- (00:28:45) Margaret Weddell asked about the targeted communication to workers and employers. Teri Watson clarified that MLAC is trying to figure out what is the most effective way to communicate with injured workers and employers. The website tour was to familiarize MLAC members with the available publications. Teri Watson will email a link to the website and the publications to members for review.
- (00:30:26) Member Sara Duckwall has expressed interest in this topic. She will be asked to review this section of the meeting minutes as she is not currently present.
- (00:31:06) Patrick Priest referenced the [workplan](#), “801 form – QR code – easier access through smartphones” and noted that a QR code would allow injured workers to access information easier.
- (00:31:38) Sarah Merrick asked about an option to make the QR code lead to a fillable 801 form. Teri Watson explained that the insurer could make the forms fillable.
- (00:32:12) Patrick Priest asked about the purpose of the 801 form on the WCD website. Sally Coen answered that the website provides information to the workers. Typically, the employer provides the 801, but WCD provides another avenue for workers who no longer work for the employer or who have difficulty filling out the 801 form.
- (00:33:30) It was clarified that the role of MLAC is to provide direction on where to appropriately place the QR code.
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- (00:34:28) It was clarified that, depending on the changes to the 801 form, changing the 801 would not require a rule change. As the statute states that “the director shall promulgate a standardized form.”
- (00:35:09) Patrick Priest suggested placing the QR code on employer notice posters provided to employers for easier worker access. It was clarified that WCD creates such posters, and MLAC needs to suggest where the QR code would go on the poster.
- (00:36:23) Ryan Hearn noted that based on past discussions, the QR code should provide injured workers with more information about a step in the claims process, and more publications.
- (00:38:34) It was mentioned that the “Required Notice Information” on the workplan is related to WCD’s Modernization project. The division is trying to simplify the required language in the administrative rules during claims processing. As rule divisions are opened up, there will be requested suggestions from MLAC members and stakeholders on user friendly language for these required notices.
- (00:40:35) Teri Watson will report back on how mobile-friendly the WCD website is.
- (00:41:22) It was noted that WCD does not have an app, however, some employers and insurers do. For example, Ryan Hearn shared that Roseburg Forest Products partners with CorVel Care MC app that works with the insurer and worker. Dan Schmelling, SAIF, also shared that SAIF Corporation has a My Claim app available to injured workers with an active claim.
- (00:44:22) Currently, some of the WCD required claim information are paper copies. Patrick Priest suggested considering regulations that could be adjusted to allow electronic communications. Sally Coen stated that the division is open to any input during the rulemaking process to update the claim information process regarding written communication.
- (00:45:29) It was summarized that the discussion was about the placement of the QR codes on posters or other forms, rulemaking on requiring these forms to be available through insurers or employers and required notices that will require input from MLAC. Additionally, there was a discussion about adding QR codes on required communication for workers and linking to more in-depth explanation of the claims process.
- (00:47:20) David Barenberg, SAIF, mentioned that he has discussed with representatives from Northwest Worker’s Justice Project about a worker’s bill of rights and increasing outreach to inform workers on their rights. MLAC could review these issues in the future.
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(00:48:24) Referring to the Notice of Closure, Ryan Hearn noted there is required WCD language that refers workers to the WCD website, but a QR code would be helpful.

(00:49:22) “801 form – QR code – easier access through smartphones” on the workplan will be updated based on the discussion.

(00:50:10) MLAC members will be informed about which rules or pages on the WCD website that people are accessing the most.

(00:52:10) **Upcoming meetings – Dec. 7 (hybrid) and Jan. 4, 2024 (In-Person)**
The December meeting would be a great opportunity to discuss non-legislative review.

(00:53:05) Patrick Priest and Stacy Lewallen are excused from the Dec. 7 meeting.

(00:53:44) Margaret Weddell made a motion to adjourn, and Ryan Hearn seconded the motion. Motion passed.

Meeting Patrick Priest adjourned the meeting at 10:56 a.m.
Adjourned

*These minutes include time stamps from the meeting audio found here:
<https://www.oregon.gov/dcbs/mlac/Pages/2023.aspx>

**Referenced documents can be found on the MLAC Meeting Information page here:
<https://www.oregon.gov/dcbs/mlac/Pages/2023.aspx>