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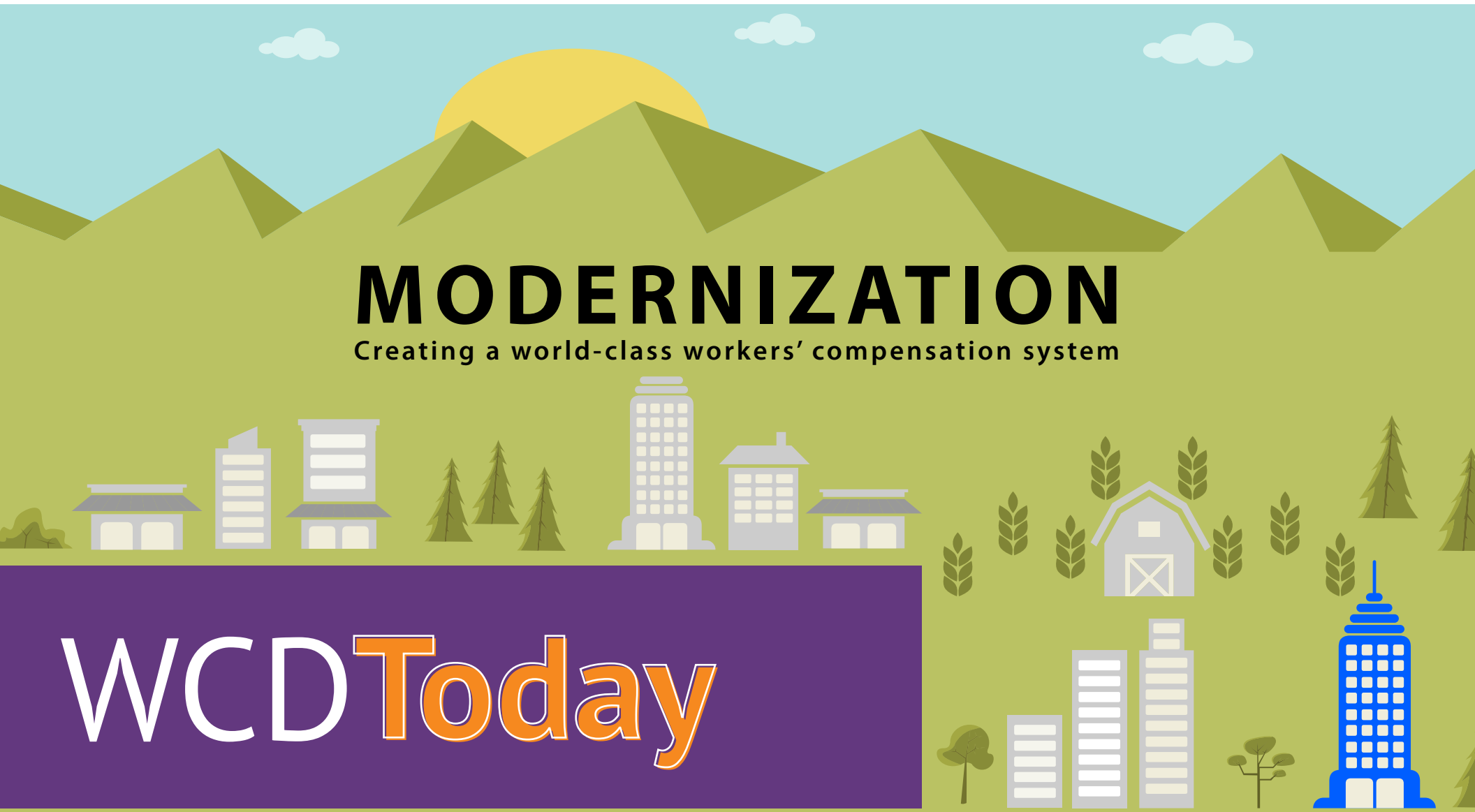
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MODERNIZATION

Creating a world-class workers' compensation system

WCDToday



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WCDToday

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Sally Coen

Administrator's notebook: Current WCD changes

By WCD Acting Administrator Sally Coen

Welcome to the third edition of *WCD Today*. There is a lot going on at the Workers' Compensation Division (WCD). The Department of Consumer and Business Services (DCBS) Director Cameron Smith resigned in November 2019 to run for Oregon Secretary of State.

With Smith's departure, Gov. Kate Brown appointed WCD Administrator Lou Savage as the acting DCBS director. In the meantime, until a permanent DCBS director is appointed, I am serving as the acting WCD administrator

and Resolution Section Manager Jim Van Ness has temporarily assumed the acting deputy administrator role.

Besides our day-to-day responsibilities, the division is involved in many projects and initiatives. So, I am continuing to evaluate our needs and operations to ensure things are running smoothly and we are providing responsive service to our customers.

If you read the [previous edition of *WCD Today*](#), you know that the division is currently working on our new Modernization Program. To find

out more about it, you can read "Modernization Program updates" on [Page 5](#).

You can also read about our recent 2019 WCD Educational Conference on [Page 13](#). If you didn't attend, we hope you will join us next year.

We are working hard to support our successful workers' compensation system in Oregon. As such, I want to hear from you. Please contact me at sally.c.coen@oregon.gov if you have input, feedback, or suggestions to improve and strengthen worker protections and keep costs low for Oregon businesses. ■





Jim Van Ness



Jim Van Ness named WCD acting deputy administrator

By Communications Coordinator Ana Contreras

Jim Van Ness is the acting deputy administrator of the Workers' Compensation Division.

With WCD director Lou Savage serving as acting director of the Department of Consumer and Business Services and Sally Coen serving as acting administrator of WCD, Jim Van Ness has stepped in as acting deputy administrator.

"I'm really looking forward to working more closely with Jim in leading the division," said acting Administrator Sally Coen.

Jim Van Ness understands how technology is reshaping the workplace, and he is dedicated to helping staff and the division keep up with the ever-evolving trends in the workplace.

His modern approach and focus on supporting

staff members with solid resources has proven indispensable to the division.

Before his appointment, Van Ness served as the Resolution Section manager for five years. He has been with the division since 2001 and started his public service career as the Appellate Review Unit assistant manager, before quickly becoming the Appellate Review Unit manager. In 2013, he also managed the Employment Services Team.

"He is always looking at new and better ways of doing things to make processes more effective and efficient. His commitment and support to staff help ensure a positive and productive work environment, and I really appreciate that," said Coen.

Before state service, Van Ness spent more than 15 years in different management positions with various manufacturing and service organizations.



WORK INJURY
CLAIM FORM

Meet Cecily Warren, WCD's Modernization Program manager

By Communications Coordinator Ana Contreras



Cecily Warren

Cecily Warren officially became the Workers' Compensation Division's Modernization Program manager in September 2019.

Before her permanent appointment, Warren spent several months assisting WCD with its Modernization Program efforts, including helping to develop the Request for Quote for potential contractors and facilitating recent planning sessions.

Warren previously worked as the research manager and also as a customer account manager for the Building Codes Division, Central Services Division, and the Division of Financial Regulation, all within the Department of Consumer and Business Services. Before joining DCBS, she worked at the Department of Revenue; Driver and Motor Vehicles; the Department of Administrative Services (Project Management Office); Legislative Administration; and the Office of Public Defense Service.

Warren is diligently working to improve the division's services and managing projects to make government more efficient.

"Workers' compensation has a great reputation for service, working hard, and solving problems," said Warren. "I wanted to be a part of that."

She has already met several targets including the Request for Quote enabling consultants to help build a roadmap for the program. The division received the necessary stage gate 1 approval from the state's Enterprise Information Services, which will be helping to ensure program success.

"My goals for moving the Modernization Program forward are to be collaborative, transparent, and organized," said Warren. "I am driven to provide results."

The Director's Office and the Central Services Division worked closely with WCD to help define and develop the new Modernization Program, as well as Warren's new management position.

"I've received great support by everyone," said Warren. "I find value in supporting employees, and I hope to provide leadership that will lead to positive changes and help employees do their jobs and make our services world class."

A die-hard Oregon Ducks fan, Warren enjoys college football and womens' basketball. Her hobbies include

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fishing, cooking, baking, and knitting. She is also a proud supporter of several high school activities, specifically cooking for students (more than 100) in the West Salem marching band.

If you have questions about the Modernization Program or feedback, please contact Modernization Program Manager Cecily Warren at 503-947-7595 or email cecily.a.warren@oregon.gov. ■



WCD Modernization Program update

By Communications Coordinator Ana Contreras

The Modernization Program is now a permanent section within the Workers' Compensation Division.

The program oversees and coordinates all aspects of modernization for the division, which includes identifying, prioritizing, planning, and implementing projects to update business processes and supporting technology.

Since our previous article, the program has completed several large milestones. WCD hired a permanent Modernization Program manager. Cecily Warren previously managed the DCBS research section within Central Services Division. She has a broad background in various State of Oregon services, which includes application development, process improvement, and customer service.

Before joining WCD, Warren helped facilitate a visioning session with WCD staff members to better understand the direction and scope of our efforts. She is currently working to hire consultants to help determine future technical architecture to support WCD services. If you want to know more about Warren, you can read "Meet

Cecily Warren, WCD's Modernization Program manager" on [Page 5](#).

In addition, the Modernization Program continues to work closely with the state's chief information officer's office, known as Enterprise Information Services (EIS), to ensure program success.

EIS helps guide best practices in project management and technology implementations so that WCD meets state standards. Recently, WCD also received EIS's approval for the program's first phase, which is the origination and initiation stage for large information technology programs and projects for the state.

While still in the planning phases, the program is starting to reach out to our customers to gather suggestions about how we can meet our strategic goal of providing "a world-class workers' compensation system."

If you want to learn more about the division's modernization effort or have suggestions for making our services better, email wcd.modernization@oregon.gov or cecily.a.warren@oregon.gov. ■

Meet the Appellate Review Unit

By the Appellate Review Unit staff members




Appellate Review Unit staff members. Employee Tracy George not shown.

The Workers' Compensation Division (WCD) oversees programs and services that help ensure timely and appropriate medical treatment and time-loss benefits to injured workers, while helping keep costs and burdens low for Oregon employers.

The Appellate Review Unit (ARU) is pivotal in the workers' compensation system. The unit completes an administrative review of disputed claim closures. That means if the worker or insurer disagrees with the closure, including with the

impairment award, they can appeal it to ARU. The unit has 18 working days to complete the administrative review, with an additional 60 calendar days if more information is needed or an arbiter exam needs to occur. ARU also resolves disputes between the workers, insurers, and employers. In those disputes, ARU communicates with workers, insurers, employers, service companies, attorneys, and doctors.

ARU reviewers are experts with claim closures and rating impairment. The reviewers write the administrative orders after analyzing the claim closure, medical records, and arbiter exam (if there was one).



The division currently has 15 reviewers, a three member arbiter examination scheduling team, and two support staff who process about 200 reconsideration requests on closed claims and 13 claim reclassification (nondisabling to disabling) requests per month, all within the strict statutory time frames set out in the Oregon Revised Statutes.

The broad purpose of the unit is to timely and accurately write legally-binding orders, determining whether claims were classified and closed appropriately, while also determining temporary disability dates and establishing the extent of any permanent disability benefits owed to Oregon injured workers.

Within the statutory time frame, the unit receives and analyzes the record, inclusive of all documents pertaining to a claim; schedules medical arbiter examinations (if appropriate), and ensures a timely and accurate determination of temporary and permanent disability benefits. An order appealable to the [Workers' Compensation Board](#) (WCB) is then issued and sent to all parties.

The written [Order on Reconsideration](#) sets forth the issues the parties have raised and addresses the medically stationary status of the worker and the validity and appropriateness of claim closure. If raised by the parties, the order then provides a complete review and determination of the worker's authorized temporary disability dates and extent of any permanent disability award to be granted to the worker.

Created in 1990 as a result of [Senate Bill 1197](#), the ARU's goal, as directed by the Oregon Legislature, is to reduce litigation between the parties to a claim, while also allowing injured workers an expedient fast-track, appeal process for review of Notices of Closure (generally no more than 78 days).

Since 1990, ARU has accommodated legal and legislative changes and modifications to the administrative rules to provide the parties with a process that continues to ensure accurate benefits and decreased litigation. As this process involves determining if workers received accurate benefits at the time of claim closure, ARU works diligently to ensure it consistently issues the most accurate decisions possible within the prescribed statutory time frames. The team is passionate about its work and understands the effect of its decisions on all stakeholders in the workers' compensation system.

If you have questions or want to provide feedback, contact ARU at 503-947-7816. ■



Brandon Martin

Preferred Worker Program Success Story: Brandon Martin

By Employment Services Brian Nease, Jennifer Rice, and Charity Steffen

Brandon Martin was a carpenter his entire life and made a comfortable living until he experienced a terrible fall that resulted in six surgeries on his right wrist.

“When I first realized that my wrist was never going to be the same, I was shocked and devastated,” said Martin. “I didn’t know what to do in several different aspects of my life. I didn’t know how I was going to maintain the lifestyle I have been blessed with most of my life, without being able to do my job and having no other skills.”

Unable to return to his old job and having a permanent disability, Martin was eligible for the Oregon Preferred Worker Program, which is a return-to-work program that provides incentives to workers and employers.

In the fall of 2019, worker Martin began a new job with Exterior Accent Investments.



Brian Nease



Jennifer Rice



Charity Steffen

This new company hired Martin as its superintendent, and Martin offered the company his benefits as a preferred worker to assist with his hire.

Exterior Accent Investments was eligible for the Preferred Worker Program’s workers’ compensation policy. This allowed the company to secure low-cost workers’ compensation coverage and be exempt from paying workers’ compensation premiums on Martin’s wages for three years.

The costs associated with hiring an employee can be significant, especially for a new company. For example, necessary equipment needs to be in place at the worksite and payroll costs need to be factored in. The business was able to take advantage of two Preferred Worker Program benefits to help reduce some of the financial burden.

Re-employment Specialist Charity Steffen worked with the business owner to provide a wage subsidy benefit that reimbursed 50 percent of Martin’s wages

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for six months. This reduced the company's costs during the time Martin became fully trained and productive in his new position.

Modification Consultant Jennifer Rice also helped provide worksite creation. This benefit can be used when an employer hires a preferred worker into a newly created job. With this benefit, Rice was able to provide office equipment, including a laptop and printer, to allow Martin to perform duties related to supervising work orders, bidding, and billing. In addition, because Martin is a working superintendent, Rice approved a generator to provide power for job duties that Martin performed while in the field.

Injured workers may qualify to become preferred workers if they have suffered a compensable on-the-job injury in Oregon resulting in permanent work restrictions that prevent them from returning to their job at injury.

Because of this criteria, Rice also had to take into account any work restrictions Martin had in relation to his new job duties. Some of these duties were outside of his work restrictions, and that is where the worksite modification benefit came into play. Worksite modification means altering a worksite by purchasing, modifying, or supplementing equipment, or changing work processes to enable a worker to work within the restrictions caused by a compensable injury or occupational disease.



The skid steer loader and hydraulic dump trailer provided by the Preferred Worker Program.

The program consultant, employer, and Martin met to discuss job duties and the restrictions that existed from Martin's previous claim. Due to his restrictions, Martin was not able to repetitively dig, shovel, move heavy material, or perform demolition. In order to allow Martin to remain within his doctor's prescribed restrictions, the program provided a skid steer with attachments, and a dump trailer. With this new equipment, Martin could complete his job duties without risking re-injury. Martin also accessed program

benefits to ensure he was able to begin his new position with the proper tools and attire for the job.

After completing his worksite modification, Martin wrote the Preferred Worker Program expressing his thanks.

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Skid steer loader lifting a pallet with a fork attachment.



Hydraulic dump trailer.



Generator.

"Both Charity and Jennifer have been so kind and accommodating, and the tools and the equipment they have helped me acquire are giving me a huge head start for my future. The Preferred Worker Program almost seems too good to be true, but it isn't, and I am so very thankful for all the benefits," Martin wrote. "I want to encourage anyone out there going through the injury and workers' compensation process that there is life after settlement (or lack of), and the best benefits I received came from the state, not the insurer, in the form of preferred worker benefits. Between the head start I received from them and my strong faith in my Heavenly Father, I am now very excited about my future. I want to encourage anyone out there who is going

through the injury process that there is so much help out there if you access it, have a positive attitude, and listen to the people that were put in your life to help you. They are there, you just have to reach out and find them. I would be willing to speak with anybody that is going through what I just went through and is struggling. Thank you."

If you want to know more about the program and how employers can benefit by hiring preferred workers, contact the Workers' Compensation Employment Services Team at 503-947-7588 or 800-445-3948 (toll-free). You can also email pwp.oregon@oregon.gov or visit www.oregonpwp.org. ■



Rule Revision Process for EAIP

By Return-to-Work Policy Analyst Katie Bruns



Katie Bruns

The Employer-at-Injury Program (EAIP) encourages the early return to work of injured workers by helping lower an employer's return-to-work costs and claim costs.

One of the benefits available to an employer that brings an injured worker back to work, before claim closure, is a wage subsidy reimbursement. Prior to Jan. 1, 2020, the employer may receive a 45 percent reimbursement of the worker's gross wages for up to 66 days after employing an eligible worker.

The Workers' Compensation Division has completed a revision process for the [EAIP rules](#), and adopted two significant changes. The first change increases the wage subsidy reimbursement amount from 45 percent to 50 percent of the worker's gross wages for EAIP periods that begin on or after Jan. 1, 2020. Wage subsidy reimbursements with an EAIP period that starts on Dec. 31, 2019, or earlier will receive the 45 percent.

The second change is a requirement for insurers to include additional documentation for EAIP purchases and worksite modifications at the time they request reimbursement to the division. The additional documentation is the transitional work documentation, the corresponding medical release for the transitional work, proof of purchase and payment, and the insurer's approval of any worksite modification.

The division will be opening the EAIP rules again the first half of 2020 to review the \$120 administrative fee. Insurers and employers are encouraged to participate in the rulemaking process and provide the division with feedback on the administrative fee. We want to continue to improve our services, and EAIP wants to hear from you.

If you are an employer, please take this [survey](#) to share your thoughts and feedback about the program.

For more information, contact the Workers' Compensation Employment Services Team at 503-947-7588 or 800-445-3948 (toll-free). You can also email eaip.oregon@oregon.gov or visit www.oregonpwp.org. ■

2019 Workers' Compensation Educational Conference a success

By Communications Coordinator Ana Contreras

The 17th annual Workers' Compensation Educational Conference was held Oct. 17-18, 2019, in Portland.

WCD hosted the conference, in coordination with the International Workers' Compensation Foundation (IWCF).

IWCF is a nonprofit organization established in 1988 dedicated to workers' compensation education and outreach. The foundation sponsors conferences in 11 states.

The goal of the conference is to provide informative and relevant education to those who participate in Oregon's workers' compensation system and to create an opportunity for dialogue among participants. This year, 203 people attended the conference; an increase of 16 more than the previous year. The return of many attendees year after year attests to the value of the conference and so many new faces also showed how important it is to educate newcomers to the workers' compensation system.

The two-day event offered employers, workers, insurers, medical providers, and others a variety of opportunities to improve their understanding of the workers' compensation system in Oregon.

Lou Savage addresses the Workers' Compensation Educational Conference in Portland.

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The conference included workshops, informational booths, exhibits, and networking opportunities. Vendors showed the latest in services, equipment, and materials. The conference also provided educational credit hours for insurance agents, vocational providers, attorneys, claims examiners, disability management professionals, and claims managers.

Mark McMullen, Oregon's state economist and the director of the Oregon Office of Economic Analysis, delivered the conference's keynote presentation. Other speakers included Dr. David Harris of Providence Medical Center, who addressed nonopioid strategies in pain management.

The event's breakout sessions included the following:

- Workers' compensation 101
- Employment law update
- Independent contractors
- National perspective on legalized marijuana
- Safety programs
- Worksite modification
- Crossing language barriers

"Thanks to the hard work of so many, the conference ran smoothly," said Addy Null, who coordinated this year's conference.

"I appreciate everyone that contributed and worked so hard to make this conference a success."



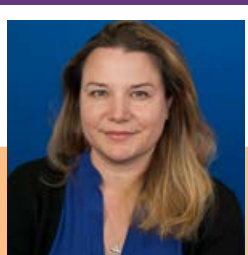
Jennifer Hlad

If you have suggestions for the upcoming 18th annual Workers' Compensation Educational Conference in 2020, please contact new Conference and Training Coordinator

Jennifer Hlad at 503-947-7515 or email jennifer.l.hlad@oregon.gov.



Check out the new online training and events calendar



Jennifer Hlad

If you have suggestions or comments, call Conference and Training Coordinator Jennifer Hlad at 503-947-7515 or email jennifer.l.hlad@oregon.gov.

By Communications Coordinator Ana Contreras

The Workers' Compensation Division (WCD) is always working to improve our services. This is why we created an Outreach Team to help strengthen external communications in the workers' compensation community.

The Outreach Team created a new online [WCD training and events calendar](#), which is on WCD's website. The calendar allows you to get instant information about any upcoming WCD trainings, events, and outreach.

Customers can now see any past or future trainings and events. For example, WCD is involved in the upcoming Oregon Chiropractic Association Annual Convention, Osteopathic Physicians and Surgeons of Oregon Winter Conference, and the Medical Advisory Committee meeting in [February](#).

You will also find public rulemaking hearings and other information on the calendar. ■



February 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	31	1
					Oregon Chiropractic Association Annual Convention 07:15am - 12:00pm	
2	3	4	5	6	7	8
Oregon Chiropractic Association Annual Convention 07:15am - 12:00pm						
9	10	11	12	13	14	15
16	17	18	19	20	21	22
				Osteopathic Physicians and Surgeons of Oregon Winter Conference 08:00am - 12:00pm		
					Medical Advisory Committee Meeting 09:00am - 12:00pm	
23	24	25	26	27	28	29
Osteopathic Physicians and Surgeons of Oregon Winter Conference 08:00am - 12:00pm						
1	2	3	4	5	6	7