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WCDToday

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WORKERS' COMPENSATION



WORK INJURY CLAIM FORM



Sally Coen

Administrator's notebook: Legislative updates

By WCD Administrator Sally Coen

Welcome back to *WCD Today*. Like many of you, the Workers' Compensation Division continues to adapt our work processes because of COVID-19. On a positive note, however, it has not slowed us down during the recent busy legislative session. Our legislative team was hard at work during this session, especially our Legislative Coordination Team in Administration, Policy Team, and subject matter experts. As always, this work requires an extraordinary amount of team effort and a strong supportive network.

WCD requested two bills that successfully passed through both chambers of the legislature, and Gov. Kate Brown signed both of our bills into law. You can read more about this on [Page 5](#).

House Bill 2039 is a regulatory streamlining bill about workers' compensation records storage, claims processing locations, and certain contractor coverage requirements, and it deletes an outdated and unnecessary penalty provision.

House Bill 2040 deals with electronic claim reporting and how claims information is reported to us. It will allow us to write rules that provide for

electronic reporting (when we reach that stage in our Modernization Program), but it will not go into effect until July 1, 2023.

While neither bill directly addressed the worker's right to get copies of claim records or the insurer's obligation to provide the worker with copies of claim documents, some legislators and labor representatives had questions about these issues.

I've asked our staff for recommendations on addressing these concerns and to implement increased education efforts. There are a lot of opportunities for process improvements, as we embark on rulemaking and implementation

of these two bills. I want to encourage you to participate in our rulemaking advisory committees. Your input is critical.

In addition to our own division bills, we also tracked other workers' compensation related bills. Although some bills did not make it through the legislature, we will be involved in supporting the future work as our stakeholders continue to discuss and vet important workers' compensation topics.

In many ways, this has been a typical busy session except that we have done many things remotely.

Regarding our budget, as part of the Department of Consumer and Business Services, the Workers' Compensation Division's budget is developed in conjunction with the agency.

The legislature has approved Senate Bill 5510, which authorizes the agency's budget for the 2021-23 biennium. Our portion of the agency's budget included a request for two permanent information technology positions dedicated to our modernization program.

One position will provide dedicated WCD system support and help implement process improvements to existing systems, provide system documentation for current systems, and support necessary work to begin modernization projects in the future.

The other position will manage data across DCBS systems. A data architect designs and manages how data is organized and flows across and between systems, and how that data is consumed

and reported. No current dedicated position in DCBS performs this function. Adding this position will allow the division to leverage data it has and use it more efficiently, support WCD process improvement projects, and prepare the systems for modernization projects in the future.

As you can image, legislative session requires a lot of work, and I am so grateful to our WCD experts that help to ensure things run smoothly.

They have done and continue to do great work.

Finally, we are here to help. If you have input, feedback, or suggestions to help improve and strengthen Oregon's successful workers' compensation system, contact me at sally.c.coen@oregon.gov. I welcome your input. ■



2021 Legislative update

By Senior Policy Advisor Cara Filsinger



Cara Filsinger

The 2021 legislative session was like no other. Because of the pandemic, the capitol building was closed to the public. All legislative committee meetings were held virtually, but members were in person for floor votes. The legislature completed its work June 27.

Below is enacted legislation that directly affects workers' compensation law. The division will need to adopt administrative rules to implement some of these new laws. We encourage public participation in this process. For more information, contact Fred Bruyns at 503-947-7717 or email fred.h.bruyns@oregon.gov.

House Bill 2039

This bill makes three regulatory streamlining changes. First, it requires insurers and self-insured employers to make claim records accessible from a place of business in Oregon and allows the division to adopt rules consistent with common industry practices such as cloud storage. Insurers and self-insured employers could also remotely process claims under rules adopted by the director. Second, the bill deletes an outdated civil penalty relating to self-insured employer recordkeeping requirements, but retains the director's authority to assess civil penalties against self-insured

employers under another more general statute. Third, the bill adjusts the coverage laws relating to licensed landscape contracting businesses when performing labor under contract. Effective Jan. 1, 2022.

House Bill 2040

Workers' compensation insurers and self-insured employers must report specific types of claims to the Department of Consumer and Business Services. House Bill 2040 allows the director to specify by rule the methods for reporting workers' compensation claims, claim denials, and claim closures. It also allows the department the ability to receive claim information electronically through Electronic Data Interchange in the future. The soonest the agency could change the types of claims reported is July 1, 2023. However, the division does not plan to make major changes until electronic claim reporting is in place. Effective Sept. 25, 2021.

House Bill 2359

This bill establishes a certification requirement for health care interpreters. Among many other changes, the bill removes a coverage exemption for people performing language translator or interpreter services through an agent or broker. Translators or interpreters who fall under the current exemption may be entitled to coverage, if they do not qualify as independent contractors. Effective July 14, 2021.



House Bill 2915

This bill applies the current “heart-lung” occupational disease presumption to City of Portland firefighters, who are not otherwise subject to the workers’ compensation law. The bill applies the presumption and the time limitation that applies to filing occupational disease claims. Effective June 1, 2021.

House Bill 3188

This bill modifies the definition of “worker”

and “employer” in the workers’ compensation law. It provides that all persons who perform services for pay qualify as “workers,” unless they qualify as independent contractors as defined by ORS 670.600. This will make the standards for determining entitlement to workers’ compensation benefits more consistent with those used in other areas of the law, such as unemployment benefits and income taxation. The bill also increases the labor cost threshold below which employment is considered “casual” from

\$500 to \$1,000, and provides for this threshold to be adjusted annually based on the state average weekly wage. Casual employment is exempt from workers’ compensation coverage requirements under some circumstances. Effective Jan. 1, 2022.

The division’s approved budget also includes two information management technology positions to assist the Modernization Program. See [Page 9](#) for more information about the program’s activities.

COVID-19 Temporary Paid Leave Program update

By Organizational Culture and Employee Engagement Director Kara Null and Training and Development Specialist Linda Cashin



Kara Null

In the previous issue of WCD Today, we shared about the COVID-19 Temporary Paid Leave Program.

The Department of Consumer and Business Services (DCBS) implemented the program in September 2020. Since then, the program has been providing paid leave to people who work in Oregon and need to quarantine or self-isolate due to COVID-19 exposure, but do not have access to COVID-19-related paid sick leave.

Those who qualify receive a \$120 per-day payment for up to 10 working days (\$1,200 total) for the time they need to quarantine.



Linda Cashin

The program is an agencywide effort, with employees from nearly every division in the Department of Consumer and Businesses, including the Workers' Compensation Division.

To date, the program has received more than 36,000 claims and disbursed more than \$24 million in payments to workers.

Now, almost a year later, this \$30 million is wrapping up. The agency is still accepting applications through the end of September or when funds run out, whichever is first, but only applicants with quarantine periods from Sept. 16, 2020, through June 30, 2021, are eligible.

DCBS is grateful for the opportunity to help workers get the support they need to quarantine and keep other people safe.

"Oh, my goodness, thank you so much," said one applicant. "You just made my day. My rent was falling behind and I had done such a good job at staying current through this pandemic until now. I hated to tell my landlord I wasn't able to pay him. Your time is appreciated more than you know."

Another applicant said, "Thank you so much. This program will really help me pay my bills since I was in quarantine, and, of course, I wouldn't want to get anyone sick."

In an especially heartfelt comment, at the beginning of the program, an applicant said, "Thank you so much for your time and consideration. I will wait with guarded optimism until I see the check. It will help me so much

and give me some much-needed stress relief. Knowing I can pay my rent in January will help me enjoy the holiday season that much more. I do take COVID-19 very seriously, as I have seen the devastation from it first hand. (I lost my mom in March from it.) So, I will continue to do what I need to do to ensure that not only am I staying safe, but that everyone around me, including my family and my housing clients, do as well.”

You can find more information about the program, eligibility, and the application at oregon.gov/covidpaidleave, contact 833-685-0850 (toll-free), or visit covidpaidleave@oregon.gov. ■



MODERNIZATION

Improving our world-class workers' compensation system



Meet new Modernization Program manager: Heather Williamson

By WCD Communications Coordinator Ana Contreras

The Workers' Compensation Division (WCD) Modernization Program continues to move forward.

Stakeholder meetings provided many opportunities for improvement and potential projects, and the WCD Leadership Team reviewed and prioritized which process improvement projects to implement first to address stakeholder feedback.

Additionally, WCD hired a new Modernization



Heather Williamson

Program manager, who started with the division April 1, 2021. Heather Williamson has worked in workers' compensation for the past 18 years, starting as a paralegal. Then, she worked her way up to deputy director of the Process Improvement and Oversight Division at the Georgia State Board of Workers' Compensation.

She was heavily involved in the overhaul of Georgia's Electronic Data Interchange Claims Program, so she provides a unique insight into

the complex nature of modernization and effective project management.

"Heather's positive attitude, high energy, and passion for helping others makes her a great fit for this position and for our division," said Deputy Administrator Jim Van Ness.

Williamson has been hard at work learning about workers' compensation in Oregon. Conference and Training Coordinator Jennifer Hlad coordinated roundtable meetings with all the WCD sections, units, and teams so Williamson could meet and get to know everyone and learn more about the great work the division does for Oregonians.

Olivia Xiong-Vang, who temporarily served in the Modernization manager role until Williamson joined the team, also coordinated a series of meetings for Williamson to meet workgroup team leaders; the Performance Management Team; and meetings with other key players in the Modernization Program all throughout DCBS.

Williamson has been candid about how impressed she is with the great work being done by WCD staff members.

“It has been inspiring to see how big of an impact the WCD programs and staff make each day in the lives of injured workers, employers, and other stakeholders within the workers’ compensation system in Oregon,” said Williamson. She is eager to take the next steps and propose solutions and detailed plans to help achieve the overall Modernization Program goals that support important division programs.

Williamson has been married to her husband Scott for 15 years, and the couple have three children: Logan, Piper, and Chase.

Even as a busy mom and holding down a full-time job, Williamson still makes time for a few hobbies. She likes to make all-natural products from scratch, such as room spray, body butter, and lip balms. She also loves playing and watching all kinds of sports.

For more information, visit the [Modernization webpage](#). In addition, if you have questions or want to provide input about Modernization, email WCD.Modernization@oregon.gov. ■



Modernization Program update

By WCD Communications Coordinator Ana Contreras

The Workers’ Compensation Division (WCD) Modernization Program continues to be flexible and make amazing headway, even with key changes. In April, WCD hired its newest Modernization Program Manager Heather Williamson.

Performance and Project Portfolio Coordinator Olivia Xiong-Vang had temporarily filled the role of program manager after previous Modernization Program Manager Cecily Warren left WCD.

The shift from Warren to Xiong-Vang to Williamson has not slowed down the Modernization Program’s progress. The program still has five internal workgroups, each with a

different focus to help accomplish the goals of the program.

These workgroups have made significant progress toward completing their existing tasks and wrapping up their remaining projects in June. At the same time, we kicked off our newest workgroup – Roadmap which is tasked with putting together our Modernization Program solution roadmap design. The roadmap is a high-level, easy-to-understand overview of the important pieces of the program outlining program goals and deliverables.

Once we have the roadmap recommendations from the new workgroup, we can complete our Modernization Program Plan, the required

documentation, and request approval to move to the next phase, which will focus on implementation.

The implementation planning phase includes details about the work that needs to be done and who will do it. At this phase, we will create requests for technology platforms, tools, and resources in order to implement Modernization Program solutions.

“I know there is frustration from our stakeholders about the lack of real-time data sharing within the division and the time delay from when something is sent to us and when it is entered into our system and is visible to our staff,” said Williamson.

Many stakeholders want WCD to move away from paper-dependent processes and move to a more cohesive electronic data reporting framework. They also want centralized claims, employer records (master records), and timeline tracking to identify key dates and status updates. All of these things will undoubtedly increase compliance.

However, stakeholders also expressed concern that injured workers may be overwhelmed by all of the information that the insurers, self-insurers, and service companies are required to send.

“We are working on these efforts as quickly as possible,” said Williamson. “Creating an enhanced stakeholder experience includes implementing self-service options where our external stakeholders can view claim, employer, and coverage data based on access permissions.”

This is why WCD plans to create secure communication capabilities to improve interactions between the division and our external stakeholders.

The submission of electronic forms and data from stakeholders is a huge part of the modernization effort and necessary to decrease our reliance on paper processes.

“There are three guiding principles to help guide solution planning, specifically results that are user friendly, technically feasible, and fiscally responsible,” said Williamson.

“Enabling real-time data and access capabilities creates consistency and increased efficiency for everyone involved in the process.”

The Modernization Program is a collaborative effort and we need your input. As stakeholders, your perspective is invaluable. We look forward to continued collaboration as we finalize plans and move forward.

Please continue to ask questions and have conversations with us on how we can improve our current systems and processes to help provide you with the best possible service.

For more information, visit the [Modernization webpage](#). In addition, if you have questions or want to provide input about Modernization, email WCD.Modernization@oregon.gov. ■



Meet new Employer Compliance Unit manager: Katie Bruns

By WCD Communications Coordinator Ana Contreras

This April, the Employer Compliance Unit welcomed its newest manager, Katie Bruns. Bruns manages 23 staff members who are responsible for ensuring that employers carry workers' compensation insurance and understand what the law requires of them if they have employees.



Katie Bruns

She is thrilled to be a part of the team and is enjoying getting to know all the work the Employer Compliance Unit does. Bruns enjoys working with a dedicated, supportive team that works hard to support the division.

"Katie brings with her a wealth of workers' compensation knowledge, having worked in the industry as a claims case manager

with Liberty. She has also worked in the division for nearly the past nine years in various roles," said Performance Section Manager Adam Breitenstein.

Many of Bruns' past roles with WCD included working as an auditor, a vocational reviewer (including lead duties), and as a policy analyst.

"Her strong analytical skills, leadership experience and qualities, ability to establish excellent working relationships with others, and inquisitive nature (among other attributes) make her uniquely qualified for the position," said Breitenstein.

In her spare time, Bruns enjoys camping, hiking, and swimming. However, most of all, she adores her two sons, who keep her laughing. ■



Preferred Worker Program Success Story: Kim Essex

By Worksite Modification Consultant Brian Nease



Brian Nease

When most people think of on-the-job injuries, they envision trips, falls, cuts, or lifting gone wrong.

Accidents such as these cause physical pain and disability that are often easy to notice. For example, you can outwardly see when a worker has difficulty sitting for long periods of time; someone who cannot lift heavy objects; or someone who walks with a limp or has visible bandages or braces.

However, not all work-related injuries are as easy to see. Nonetheless, these injuries can still cause just as much difficulty returning to work. Sometimes, they can pose additional challenges in the workplace. Exposure to chemicals, asbestos, and other irritants can lead to severe contact dermatitis, reduced lung function, and other debilitating conditions.

In 2013, lead fire camp caterer Kim Essex was working with firefighter crews to combat wildfires in eastern Oregon. As the crews battled the raging wildfires, Essex and her team set up camp

at the base of Steens Mountain. The Bureau of Land Management didn't know that the Steens Mountain Range creates its own weather pattern, so it was not safe to set up camp at the base of the mountain.

During dinner, while 300 to 400 firefighters ate, smoke and ash filled the camp. It was extremely thick smoke, and huge pieces of ash fell like snow. Essex was in charge of all the food outside the cook trailer. She continued to work until the lack of air and constant coughing made it impossible. That night, regardless of using her inhaler, Essex couldn't sleep or catch her breath (as she wheezed throughout the night).

The smoke and ash continued falling into the next day and night, until Essex finally had to stop working. She quickly arranged for her husband to take over her shift, but she had stayed too long. Suffering from extremely low oxygen levels, an emergency medical technician advised Essex to go to a hospital right away.

But, Essex continued to tough it out, until the national caterers' emergency medical technicians checked her oxygen levels and lungs. They insisted on flying her to the nearest hospital.



Undeterred, Essex promised to stop at a hospital on her way home. Unfortunately, Essex stayed until the next morning. By that time, Essex was in and out of consciousness, air was barely moving in her lungs, and she needed immediate oxygen.

Once admitted into the hospital, Essex's oxygen levels were so low that the doctors thought the oxygen sensor was broken. Unable to cough up the ash, Essex was left with permanent damage to her lungs and airway. Recovery took months, and Essex had to use a nebulizer every few hours, even during the night.

Even now, if Essex talks for long periods of time, she temporarily loses her voice. This makes talking on the phone difficult, and since she cannot cough, Essex has to be extremely careful not to get sick.

"My disabling lung injury made it very hard for me to find work that was safe for me to do," said Essex. "Living in an area that gets a lot of wildfires during the summer months, I was instructed by my doctor to not leave home during the smokier days. On the extremely smoky days, I was advised to plan on going to the hospital where there are good-quality air purifiers."

Essex lost 80 percent capacity in one of her lungs and incurred permanent damage to her upper airway. This resulted in breathing difficulties and interferes with her body's ability to process allergens, such as dust and pollen.

Due to the permanent work restrictions from the smoke exposure, Essex could not return to her job as a wildfire caterer. Conversely, this qualified her for the Oregon Preferred Worker Program, which provides benefits and incentives to help eligible Oregon injured workers return to work.

"The financial struggles we encountered because of my inability to work was an incredible hardship to our family," said Essex. "This assistance has been crucial to me as I navigate through and flourish in my career."

In January 2020, Essex started a new office job in Human Resources with Chester's Thriftway. Her supervisor contacted the Preferred Worker Program for assistance and the program provided worksite creation and provided items that Essex needed for her job.

"The program has also been helpful with other obstacles

I have relating to my health, including a medical condition with my feet that doesn't allow me to stand for long periods of time," said Essex.

Essex's new employer was reimbursed for a new work station, including a desk, file cabinets, monitors, a scanner, and other essential supplies that Essex needs to perform her new job. Because of her permanent work restrictions, Essex also needed a commercial air purifier and face masks to ensure a smoke-free work area.



"The air purifier that was purchased for me has been invaluable," said Essex. "It allows me to come to work everyday and thrive within a company I truly love, even when the smoke is extremely thick outside. Thanks to having access to a quality air purifier, I am able to use my nebulizer less often, increasing my overall productivity."

The Preferred Worker Program also provided Essex a clothing allowance that enabled her to purchase some much-needed work outfits. "After being out of work for so long, it was a significant financial burden to purchase the office attire that was required," said Essex. "This portion of the program helped me to look and feel professional in a new office setting."

The program even helped ease transportation difficulties by providing benefits to help repair Essex's vehicle. "This has helped me avoid

unexpected repair expenses and assists me in maintaining my attendance at work," said Essex. "Without this assistance it would have been impossible for me to cover these expenses and now I have reliable transportation that has a long life ahead of it."

Chrystal Grant, Essex's supervisor, is grateful to the program and its many benefits, which allowed her to hire a preferred worker. "Essex has since become a huge asset to our team" said Grant. "I am truly thankful to Brian Nease, Christy Johnson, and the rest of the team that work with the Preferred Worker Program for making it happen. This situation really brings home that there are likely many people out there who want and need to work, but their disabling injuries limit their options. Without knowledge of the Preferred Worker Program and the available benefits, these

people have to pass up on many opportunities that they would likely excel at, given the chance."

Essex's road to recovery and return to work is just one example of the important work the program is doing to help preferred workers return to work safely, efficiently, and effectively.

"I now have a stable and promising career that I enjoy immensely," said Essex. "I firmly believe this amazing outcome would not have been possible, without this program. Thank you so very much!"

For more information about Oregon's return-to-work programs, call 800-452-0288 (toll-free) or visit us at wcd.oregon.gov.

eaip.oregon@oregon.gov

pwp.oregon@oregon.gov

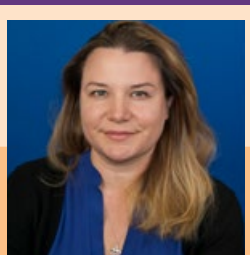
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New Medical Arbiter Program video and webpage

By Conference and Training Coordinator
Jenn Hlad



Jenn Hlad

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



The Workers' Compensation Division (WCD) is looking to increase its pool of medical arbiter physicians. The department wants to hear from any interested physicians.

The Medical Arbiter Program consists of a network of more than 300 physicians who perform impartial examinations of injured workers. These evaluations, known as medical arbiter examinations, help the department resolve disagreements over the impairment findings used at claim closure.

With its distinctive focus on impairment findings, the medical arbiter examination does not address compensability, treatment options, or other issues typically discussed in an independent medical examination report.

In an effort to recruit more medical arbiters, the Appellate Review Unit worked with the Oregon

OSHA Public Education Team to create a new [video](#) to help recruit new physicians to join the Medical Arbiter Program.

To help reach an even wider audience, the video script was translated into Spanish closed captioning.

Once the video was done, the WCD and DCBS communications teams helped develop a marketing campaign to recruit more doctors for this vital program, as well as creating a new WCD external [webpage](#) featuring the full-length video.

If you are a physician or if you know a physician who would like to become a medical arbiter physician, the first step is to complete [this interest form](#).

You can see the social media campaign promoting the [Medical Arbiter Program](#) by following #WorkersCompWednesday or liking DCBS on Instagram, Facebook, or Twitter. ■