

Significant laws passed in 2021 affecting workers' compensation

House Bill 2039 (Regulatory streamlining)

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 Second, the bill deletes an outdated civil penalty relating to self-insured employer recordkeeping requirements, but retains the director's authority to assess civil penalties against self-insured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 (Electronic claims reporting)

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 (Health care interpreter coverage exception)

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.

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House Bill 2915 (Occupational disease presumption for City of Portland firefighters)

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 (“Worker” and “employer” definitions; casual labor threshold)

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.