

Significant laws passed in 2022 affecting workers' compensation

House Bill 4086 (Death benefit beneficiary expansion)

Death benefits are available when a worker dies from an on-the-job injury or disease or while permanently and totally disabled. Surviving beneficiaries and dependents with an accepted fatality claim are entitled to funeral expenses and ongoing monthly benefit payments. HB 4086 expands who may qualify as a dependent or beneficiary for these benefits, as well as addressing situations related to cohabitants. The bill also adjusts the law prohibiting employers from discriminating against a worker who has applied for workers' compensation benefits (enforced by the Bureau of Labor and Industries).

Effective: Jan. 1, 2023.

House Bill 4113 (Occupational disease presumption for firefighters)

This bill expands the occupational disease presumption law for certain firefighters to include bladder cancer and gynecologic cancer of the uterus, fallopian tubes, ovaries, cervix, vagina, or vulva.

Effective: Jan. 1, 2023.

House Bill 4138 (Temporary disability benefit process changes)

This bill extends the timeframe allowed for retroactive authorization of temporary disability benefits by an authorized provider from 14 to 45 days, with stated exceptions. Insurers will be required to provide written notice to the worker before ending temporary disability benefits. The bill also limits backdating a worker's medically stationary status to no more than 60 days before the date of the determination. Insurers will be required to provide written notice to the worker within seven days following receipt of information that the worker is medically stationary. HB 4138 also sets a limit on reductions of permanent partial disability compensation when recovering an overpayment, making an offset, or crediting wage loss. The maximum recovery from the permanent partial disability compensation would be 50 percent of the total compensation awarded to the worker. The bill also adds a two-year time limit for recovering overpayments on any compensation.

Effective: Jan. 1, 2024.

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Senate Bill 1560 (Updates terminology)

This bill updates the term “alien” to “noncitizen” in a variety of Oregon Revised Statutes, including ORS chapter 656.

Effective: Jan. 1, 2023.