

Significant laws passed in 2013 affecting workers' compensation

HB 2069 This bill corrects an inadvertent statutory omission, allowing for the Department of Consumer and Business Services director to resolve a dispute when an injured worker disagrees with a workers' compensation insurer's decision about the duration of wage benefits during a vocational training program. The measure maintains the insurer's ability to voluntarily extend wage replacement benefits to a worker in training without requiring the director's approval.
Effective: Jan. 1, 2014.

HB 2909 The Center for Research on Occupational and Environmental Toxicology (CROET) is housed at Oregon Health & Science University. The legislature established the center in 1985 to promote health and to prevent disease, injury, and disability among working Oregonians and their families. Some of the center's funding comes from workers' compensation system assessments. House Bill 2909 changes the name of the center to the Oregon Institute of Occupational Health Sciences to reflect an updated emphasis on total worker health, as opposed to research solely focused on occupational and environmental toxicology.
Effective: Jan. 1, 2014.

HB 96 This bill gives self-insured employer groups that are municipal or public corporations the right to apply for exemption from certain security deposit requirements. A security deposit demonstrates a self-insured employer's ability to meet its financial obligations under the workers' compensation law. For an exemption to be approved by the Department of Consumer and Business Services director, the group would have to establish a "loss reserve account," which is money set aside specifically for the payment of compensation to injured workers. A loss reserve account must be adequately funded to pay all compensation and amounts due.
Effective: Jan. 1, 2014.

SB 190 Historically, the operations and communications of the Workers' Compensation Board have been in paper form. Coupled with laws that require original signatures on documents, the exclusive use of paper-based documents creates a conflict with increased expectation of electronic communications with board staff members. Senate Bill 190 provides authority to the board to adopt new rules and revise existing rules that allow the electronic transmission and signature of filings, notices, and other documents.
Effective: Jan. 1, 2014.

SB 533 Senate Bill 533 extends to 180 days the authority for authorized nurse practitioners to treat and authorize time-loss (wage replacement) benefits. The measure also allows an injured worker enrolled in a managed care organization (MCO) to be treated by a non-MCO-paneled chiropractor under specified circumstances that focus on a current patient-provider relationship. In addition, an MCO is permitted to deny or terminate the authorization of non-MCO panel physicians, nurse practitioners, and chiropractors under specified conditions.
Effective: Jan. 1, 2014.

SB 678 The Oregon Court of Appeals ruled in *Cortez v. Nacco Materials Handling*, 248 Or App 435 (2012) that workers' compensation exclusive remedy protection, which generally prohibits an employer from being sued for work-related injuries or illnesses, did not apply to limited

liability corporation (LLC) members that employed an injured worker because the statute did not explicitly include those entities. Senate Bill 678 extends the exclusive remedy protection to

include an employer's partners, LLC members, and similar corporate entities. The measure also clarifies that exclusive remedy can be negated when an employer's negligence is a substantial factor in causing the injury or illness and occurs outside of the employer's capacity.

Effective: June 14, 2013.