

Significant laws passed in 2015 affecting workers' compensation

Senate Bill 291 (Reinstatement rights for state employees)

Senate Bill 291 amends labor law (ORS 659A.052) to clarify that an injured state worker has a right to reinstatement or re-employment at any available and suitable position in another agency within the same branch of government, when all permanent restrictions are known.

Effective June 2, 2015.

Senate Bill 371 (Notice of workers' compensation claim closure)

Senate Bill 371 clarifies that if an injured worker is deceased at the time the insurer issues a Notice of Closure of a workers' compensation claim, the insurer or self-insured employer must mail the worker's copy of the notice to the worker's estate at the worker's last known address and may mail copies to any known or potential beneficiaries of the worker's estate, and that the beneficiaries may request reconsideration of the notice. The bill also requires the insurer or self-insured employer to pay the cost of interpreter services for a worker's deposition in a reconsideration proceeding.

Effective May 21, 2015.

House Bill 2211 (Service company penalties)

The current law allows the director of the Department of Consumer and Business Services (DCBS) to assess civil penalties against an employer, insurer, or managed care organization for violating workers' compensation statutes, rules, or orders. House Bill 2211 adds service companies to the list of parties that the director may issue a civil penalty against, but only for violations identified in an annual audit by DCBS that assesses timeliness of payment and claim processing actions.

Effective Jan. 1, 2016.

House Bill 2478 (Gender neutral language in laws)

House Bill 2478 made statutory changes to achieve gender-neutral language with respect to individuals who are married. Several workers' compensation laws were updated to refer to "spouse" in the chapter's definitions (ORS 656.005), death benefit (ORS 656.204), and cohabitation statute (ORS 656.226).

Effective Jan. 1, 2016.

House Bill 2764 (Injured workers' attorney fees)

Although workers' compensation defense lawyers can negotiate their fees with insurance carriers or self-insured employers, workers' attorneys are compensated only when the statute allows for such; they may not negotiate hourly or contingent fees. House Bill 2764 makes a number of modifications to the current attorney fees, increases caps on fees in some areas, expands the circumstances and jurisdictions in which some existing fees may be awarded, and requires the Workers' Compensation Board to biennially review all attorney fee schedules.

Effective Jan. 1, 2016.

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House Bill 2797 (Timely first payment of time loss)

House Bill 2797 clarifies when an employer or insurer must make its first payment of wage replacement benefits (also called *time loss*). House Bill 2797 ties the first payment of benefits to the start of the worker missing work due to the injury. The bill provides that the insurer's first payment of temporary disability is due within 14 days of the employer's knowledge of the claim and of the worker's disability, as long as a medical provider has authorized the time off work.

Effective Jan. 1, 2016.

House Bill 3114 (Interim medical benefits for workers' compensation claims)

House Bill 3114 addresses situations in which an injured worker has not filed a workers' compensation claim but submitted a related claim to his or her health benefit plan. If the health plan rejects the claim as work-related, the bill provides the worker 90 days from the date of the health plan's denial to file a workers' compensation claim. If the workers' compensation insurer denies the claim, it must notify the health benefit plan of the denial and the health plan must process the worker's claim subject to its plan's terms and conditions.

Effective Jan. 1, 2016.