

# Laws and rules

## 2011 Legislation Summary

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The 2011 Legislative session ended on June 30. While it was a busy session for many issues, including education and health care, it was relatively quiet for workers' compensation issues. A selection of key legislation is described below, including links to the bills on the Legislative Assembly webpage.

### House Bill 2093

This bill gives the Department of Consumer and Business Services the ability to take administrative action against a person or company that is actively managing the care of workers when that person or company is not certified as a managed care organization. The department will be able to address these violations by imposing civil penalties and issuing cease-and-desist orders. The bill also provides a process for the person or company to appeal the department's action.

Effective: Jan. 1, 2012

Contact: Nanci Johnston, Medical Section, 503-947-7767

Link to bill: <https://olis.leg.state.or.us/liz/2011R1/Downloads/MeasureDocument/HB2093/Enrolled>

### House Bill 2094

This bill allows a delay of the reconsideration process for up to 45 days when the parties are actively engaged in settlement negotiations that include reconsideration issues and both parties agree to delay the process. This gives the parties more time to reach an agreement, without extending the department's time to complete the reconsideration process if the negotiations are not successful. Either party may request that the reconsideration process be resumed. If the parties fail to reach a settlement on reconsideration issues, the reconsideration process will restart at the end of the deferral period and the department will complete the process as usual. The bill also provides that permanent disability payments to the worker continue during the settlement negotiations, as currently happens during the reconsideration process.

Effective: Jan. 1, 2012

Contact: Rae Howe, Benefit Services Section, 503-947-7018

Link to bill: <https://olis.leg.state.or.us/liz/2011R1/Downloads/MeasureDocument/HB2094/Enrolled>

### House Bill 2712

This is a large bill that changes and standardizes statutory references to fines, violations, and penalties. As a result, there are updates to some of the workers' compensation penalties found in ORS 656.990 (see Section 268 of the bill). Instead of specifying the fine or prison sentence, this section now refers to specific types of violations (e.g., Class A misdemeanor). These categories of violations are defined elsewhere in statute.

Effective: Jan. 1, 2012

Contact: Reg Gregory, Compliance Section, 503-947-7665

Link to bill: <https://olis.leg.state.or.us/liz/2011R1/Downloads/MeasureDocument/HB2712/Enrolled>

### House Bill 2743

This bill gives podiatric physicians and surgeons the ability to serve as attending physicians without limitation. The bill also removes the requirement that podiatric physicians and surgeons must certify that they have reviewed informational materials about the workers' compensation system developed by the director.

Effective: Jan. 1, 2012

Contact: Juerg Kunz, Medical Section, 503-947-7741

Link to bill: <https://olis.leg.state.or.us/liz/2011R1/Downloads/MeasureDocument/HB2743/Enrolled>

### **House Bill 3490**

In 2009, the Legislature required workers' compensation coverage be provided for certain search-and-rescue volunteers that were not required to be covered under the law. In the process of implementing this change, counties raised questions about coverage responsibility in situations where a county requests the services of another county's volunteers or the volunteers themselves offer their services in an emergency. This bill maintains the requirement for mandatory election of coverage for the otherwise nonsubject volunteers, but clarifies which county must provide the coverage.

Effective: June 17, 2011

Contact: Reg Gregory, Compliance Section, 503-947-7665

Link to bill: <https://olis.leg.state.or.us/liz/2011R1/Downloads/MeasureDocument/HB3490/Enrolled>

### **Senate Bill 43**

Under current law, the Department of Justice may order amounts to be withheld from an obligor's income to satisfy current or past-due child or spousal support obligations. There are limitations on how much may be withheld from the obligor's disposable monthly income and other employment or insurance-type payments, benefits, or settlements, including workers' compensation. This bill increases the amount that can be withheld from workers' compensation benefits for this purpose, including up to half of lump-sum permanent disability payments, permanent disability benefits, and benefits under a compromise and release or disputed claim settlement.

Effective: Jan. 1, 2012

Contact: Sally Coen, Compliance Section, 503-947-7687

Link to bill: <https://olis.leg.state.or.us/liz/2011R1/Downloads/MeasureDocument/SB43/Enrolled>

### **Senate Bill 173**

As part of the disputed claim settlement process, a worker can agree to settle unpaid medical bills related to the claimed condition. The current law limits how much of the settlement can go toward medical bills (40 percent of the total settlement unless the worker agrees to have his or her settlement pay a higher share) and limits the payment amount to 50 percent of what may be charged under the workers' compensation fee schedule. The provider is allowed to collect any outstanding balance directly from the worker, and this amount is not limited to the workers' compensation fee schedule. This bill allows a worker to pay a higher reimbursement rate for his or her unpaid medical bills directly out of his or her settlement. The amounts would be calculated at 100 percent of the workers' compensation fee schedule, instead of 50 percent. If the worker does that, this bill requires medical providers to accept this as payment in full and not balance-bill the worker for any charges that exceed the workers' compensation medical fee schedule.

Effective: Jan. 1, 2012

Contact: Juerg Kunz, Medical Section, 503-947-7741

Link to bill: <https://olis.leg.state.or.us/liz/2011R1/Downloads/MeasureDocument/SB173/Enrolled>