

February 13, 2013

**To:** Senate Committee on Business and Transportation  
Oregon State Capitol  
900 Court Street NE  
Salem, OR 97301

**Re: Senate Bill 240**

Chair Beyer, Vice Chair Starr, and Members of the Committee:

I am writing today on behalf of the Oregon Trial Lawyers Association (OTLA) to voice concern regarding Senate Bill 240 at this time. This measure would require the Department of Consumer and Business Services to adopt standards for rating permanent impairment for workers' compensation claims that are based on the most recent edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment available on the effective date of this measure. Currently, the most recent edition of the AMA Guides is the Sixth Edition (AMA 6<sup>th</sup> Edition).

Oregon's current disability rating standards are based on the 3<sup>rd</sup> Edition of the AMA Guides. However, since their adoption, these permanent disability rating standards have been amended and crafted to adapt to changes in Oregon law. Adoption of the Sixth Edition in Oregon would create a brand new structure. This is a very big and complex undertaking. It would require the adoption of new complex administrative rules, which, in turn, could have a significant fiscal impact at the Department of Consumer and Business Services.

Additionally, the committee should know that the AMA 6<sup>th</sup> Edition has been a topic of study by the Management-Labor Advisory Committee (MLAC). *MLAC decided to put further discussion and consideration of the AMA 6<sup>th</sup> Edition on hold and not take up this subject right now.* Any potential action in this arena needs to be fully vetted through the full MLAC process. OTLA will be glad to be part of any future discussion on this concept as there are strong and divergent views on the efficacy and necessity of adopting the AMA 6<sup>th</sup> Edition. Any change of this magnitude should be fully vetted through the MLAC process and have MLAC approval after all stakeholders have had an opportunity to be heard.

Thank you for considering these comments in regards to SB 240.

Sincerely,



Martin Alvey  
Alvey Law Group  
President-elect, Oregon Trial Lawyers Association