



MEASURE: HB 2069
EXHIBIT: 7
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Testimony Relative to HB 2069 by the Oregon Association of Rehabilitation Professionals:

The Oregon Association of Rehabilitation Professionals (OARP) backs HB 2069 which proposes a statutory amendment to allow a method of appealing disputes about injured workers' benefits for vocational assistance, specifically for retraining benefits.

In 2009, a previous House Bill, HB 2195, was proposed by WCD and was meant to streamline the process so that WCD would not have to be involved when a worker and insurer agreed upon the length of wage replacement benefits during training. However HB 2195 inadvertently removed the director's ability to take a stance when a worker and insurer disagree and the worker appeals the insurer's decision.

This amendment to correct the previous error was originally part of a legislative concept put forth by the Workers Compensation Department during the 2011 Legislature. It was House Bill 2092, which was reviewed and supported by MLAC. However, changes were made to include language that was not relative to vocational assistance and it was not passed by the Legislature.

HB 2096 has to do with the extension of wage replacement benefits from 16 months to 21 months during vocational retraining. Currently, a worker can be provided 21 months of training costs, but can only receive 16 months of wage replacement while in training. The insurer can extend this if desired but in the case of a dispute, the Director of the Workers Compensation Department (WCD) no longer has to authority to resolve the dispute.

One example of this occurs when a worker feels 21 months of wage replacement benefit is necessary during training and the insurer disagrees; the director no longer has the authority to take action to resolve the dispute. HB 2069 would again allow the director the authority to take action in this case, as he could prior to 2009.