

House Bill 2681

Sponsored by Representative JOHNSON (at the request of Associated Oregon Industries) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes that injuries or conditions arising from workers' compensation claim resolved by disputed claim settlement are not compensable injuries.

A BILL FOR AN ACT

1
2 Relating to compensability of workers' compensation claims resolved by disputed claim settlement;
3 amending ORS 656.289.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 656.289 is amended to read:

6 656.289. (1) Upon the conclusion of any hearing, or prior thereto with concurrence of the parties,
7 the Administrative Law Judge shall promptly and not later than 30 days after the hearing determine
8 the matter and make an order in accordance with the Administrative Law Judge's determination.

9 (2) A copy of the order shall be sent forthwith by mail to the Director of the Department of
10 Consumer and Business Services and to all parties in interest.

11 (3) The order is final unless, within 30 days after the date on which a copy of the order is mailed
12 to the parties, one of the parties requests a review by the Workers' Compensation Board under ORS
13 656.295. When one party requests a review by the board, the other party or parties shall have the
14 remainder of the 30-day period and in no case less than 10 days in which to request board review
15 in the same manner. The 10-day requirement may carry the period of time allowed for requests for
16 board reviews beyond the 30th day. The order shall contain a statement explaining the rights of the
17 parties under this subsection and ORS 656.295.

18 (4)(a) Notwithstanding ORS 656.236, in any case where there is a bona fide dispute over
19 compensability of a claim, the parties may, with the approval of an Administrative Law Judge, the
20 board or the court, by agreement make such disposition of the claim as is considered reasonable.

21 (b) Insurers or self-insured employers who are parties to an approved disputed claim settlement
22 under this subsection shall not be joined as parties in subsequent proceedings under this chapter to
23 determine responsibility for payment for claim conditions for which settlement has been made.

24 (c) Notwithstanding ORS 656.005 (21), as used in this subsection, "party" does not include a
25 noncomplying employer, except where a noncomplying employer has submitted a disputed claim
26 settlement with a claimant for approval before the claim has been referred to an assigned claims
27 agent by the director. Upon approval of the disputed claim settlement, the Administrative Law
28 Judge, the board or the court shall mail to the director a copy of the disputed claim settlement.

29 **(5) All injuries or conditions arising from claims resolved by a disputed claim settlement**
30 **under this section are not compensable injuries for the purposes of this chapter or ORS**
31 **659A.043 and 659A.046.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 ~~(5)~~ **(6)** Any claim in which the parties enter into a disposition under subsection (4) of this
2 section shall not be eligible for reimbursement of expenditures from the Workers' Benefit Fund
3 without the prior approval of the director.

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