

## DCBS Budget hearing – HB 5012

April 2, 2015, 3:00 p.m., Hearing Room F

### Joint Ways and Means Subcommittee on Transportation and Economic Development

**Chair, members of the committee, for the record my name is Lon Holston. Thank you for allowing me to testify today. I am here today to testify in support of the DCBS budget, House Bill 5012.**

It has been my pleasure to serve on the Medical Advisory Committee for Worker's Compensation. I've been on the committee for several years representing workers. The committee studies a variety of medical procedures, prosthetic's devices, technology reviews as well as delivery systems and makes recommendations that are advisory to the Department, Management Labor Advisory Committee for Worker's Compensation and the legislature when and where it's requested. The committee took on the thorny issues involving pain management and opioids producing and recommending a series guidelines while treating injured workers. The committee also provides advice and input on other issues including the AMA 6th edition, BiOM ankle (recommended it stay compensable), Cervical and lumbar artificial disc (recommended that certain discs were compensable with limitations) – we are in the process of reviewing this criteria again.

As a committee member, I received excellent support from the department to fulfill my role.

#### **Medical Advisory Committee;**

The Medical Advisory Committee is established in the law - ORS 656.794, the committee was established in 1965.

- Members are appointed by the Director of the Department of Consumer and Business Services.
- The committee meets regularly with Workers' Compensation Division to provide advice to the director on matters relating to the provision of medical care to workers.
- Members of the committee represent the most common types of health care providers providing medical care services to injured workers.
- The committee also includes representatives of insurers, employers, workers, and managed-care organizations.

Current membership includes;

Four medical doctors, including surgeons and occupational medicine specialists; and

A nurse practitioner; and

A chiropractor; and

A physical therapist; and

An insurer representative (who is also an MD specializing in occupational medicine);  
and

A MCO member (also is an MD); and

Worker representative; and

Employer representative

The law requires MAC to give advice about medical treatments under 656.245(3) to determine whether a treatment should be excluded from compensability because it is unscientific, unproven, outmoded, or experimental.

We use a process to review medical literature and get public input. We make recommendations to Administrator John Shilts and then the recommendations go through the administrative rulemaking process at the department.

#### **Management-Labor Advisory Committee**

I also served as a member of the Management – Labor Advisory Committee for Worker's Compensation. My term of service started in 2003 and ended in 2009. During my tenure I served as a Labor Member and co-chair of the committee in 2008 – 2009.

This committee serves as an advisory committee to the legislature, the department and all other stakeholders involved with the workers compensation system here in the State of Oregon. This committee work's to sort out the complicated workers compensation issues. The committee meets several times a year to study current issues as well as past statutes and rules to make sure they are working as advertised. When requested by the legislature to review legislation, the acquired knowledge of the committee is applied to the requested legislation. The, committee works hard making well thought out recommendations while holding down costs to the system.

This committee could not function if it wasn't for the support it receives from the workers compensation division housed within DCBS. When the committee needs data, the department is there, when the committee needs input, the department is there. I cannot say enough about the support that we would receive from the department and the employee's dedication.

#### **Rulemaking Process;**

Once the legislature finished with the legislative process the public, stakeholders and committee members were invited for input in the rulemaking process. In this valuable process, input was received and applied where needed within the rules. This insures that the intent of the legislature and all stakeholders were included in the rulemaking process.

#### **Ombudsman for Injured Workers;**

It was, and still is my pleasure to work with the Ombudsman for Injured Workers. This department fields thousands of phone calls from injured workers. The depth of their experience involving workers compensation statute, rules and issues are 2<sup>nd</sup> to none.

Families, workers and injured workers are truly lucky to have this department to answer logistical and technical questions regarding their workers compensation claims.

**Data;**

In all the above cases, Quality of information and data from WCD and Information Resource and Technology Section (formerly IMD) was 2<sup>nd</sup> to none. Time was taken to explain fully the data we received from WCD to make sure that our understanding was clear. The department was always willing to search out whatever information and data we needed to fulfill our obligation to the legislature and citizens of the state.

The Workers Compensation Board was always willing and available to assist as necessary with their collective experience. The committee also received support in regards to workplace safety from or OSHA also housed in DCBS.

**Programs;**

The department employs many other tools to assist injured workers back into the workforce. Some of these programs such as the preferred worker program assist both employers and workers transition into jobs when they are disabled and unable to return to the job at injury.

This program supplies the opportunity for employment training and the needed materials to be successful for injured workers, Tuition, books, and education fees. The employer and the injured worker can receive injured worker placement assistance. The program also helps employers with work site job creation costs and wage subsidies.

**Oregon Insurance Division;**

As a licensed insurance producer, here in Oregon, I have received terrific customer service from the Insurance Division. Clarity around statutes, rules and insurance products has been delivered to me in a straightforward manner. The regulators have been most helpful in regards to Health Insurance, Medicare and Medicaid products.

**To conclude;**

It is my experience and opinion that DCBS is a fine organization that's a credit to State government. Citizens of Oregon should be proud. I am in support of the DCBS budget and house bill 5012.

Thank you for allowing me to testify. I am prepared to answer any questions from the committee.