

from the desk of:

*Tim Reed*  
*Tobias Reed*

## VOTE YES on HB 2764-A: Critical Assistance for Injured Workers

The goal of HB 2764 is to ensure that injured workers can get the legal help they need to navigate the extremely complicated workers' comp system. After a worker gets hurt on the job, they have to navigate a maze of insurers, claims adjusters, medical providers, and the vocational rehab process – all while feeling the stress of lost or reduced income during convalescence.

1.7 Million Oregon workers are covered by the workers' comp system, but there are fewer than 100 lawyers to help them (down from over 400 25 years ago). Injured workers often need legal help to get back on the job quickly, get their medical bills paid, and secure their benefits in a timely manner so they can support their families.

**Injured workers' legal services are highly regulated.** Legal fees are set in statute and rule. The list of services for which lawyers can be paid is also prescribed by law. Lawyers often are ethically required to provide services for which they legally cannot accept payment, and can face bar sanctions or malpractice charges if they fail to provide these unpaid services.

Some examples of these services:

- A worker gets hurt on the job. They are legally required to submit to an interview by the insurance company. The worker's lawyer is ethically required to participate in the interview but is legally prohibited from being paid.
- An injured worker is mistreated by an insurance company and a judge awards a penalty payment to the worker. The insurance company appeals the penalty. The injured worker's lawyer is legally required to defend the injured worker. If the worker wins and keeps the money, the attorney cannot be paid for this service.

**HB 2764 expands the list of services for which injured workers can pay for legal help, & in some instances increases the amount an attorney can charge. HB 2764 also transfers some payments from injured workers to insurance companies that have wrongly denied benefits.**

- An injured worker misses work. They are supposed to get say \$350 a week, but instead only get \$300. {This happens a lot because normal overtime, meal allowances and the like are supposed to be included and then are not.} If the worker hires a lawyer to help get the \$50, the lawyer gets paid 25% or \$12.50, and the money comes out of the injured worker's pocket. HB 2764 would force the insurance company to pay for its mistake, and require the payment to be commensurate with the work needed to collect the funds owed.

The bill thus provides incentives to insurance companies to calculate benefits right the first time and to pay medical providers promptly. These are key steps towards reducing employer costs and to getting workers back on the job as quickly as possible.

The overall workers' comp system costs \$880M. Injured workers' legal fees are currently \$21M of that \$880M. Employer premiums have decreased by 12% in the last two years. Legislative fiscal expects legal fees to increase by a few million dollars so **HB 2764-A would not even require premiums to rise back to 2013 levels.**