

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: SB 371
CARRIER: Sen. Gelser

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 03/18/15

Action: Do Pass.

Meeting Dates: 02/17, 03/18

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Laura Handzel, Administrator

WHAT THE MEASURE DOES:

Clarifies notice of closure procedure in workers' compensation cases. Requires insurer or self-insured employer to mail a copy of notice of closure to worker's estate in the event worker is deceased and permits mailing to beneficiaries of estate. Establishes right of beneficiaries of deceased worker to request reconsideration of notice of closure. Allows beneficiaries, not mailed a copy of the notice of closure, one year to request reconsideration. Mandates that insurer or self-insured employer pay costs of necessary interpreter services. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- *SAIF v. Wild*, Oregon Court of Appeals (2010)
- Timeframe of notice of closure requirement
- Seriousness and magnitude of consequences under current law with respect to notice and need for interpreter services
- Low rate of occurrence of problems
- Need to define "workers' compensation" and example of inapplicability to managers
- Lack of citizen knowledge regarding workers' compensation

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Currently in Oregon, insurers and self-insured employers are not required to provide a deceased worker's estate, or their beneficiaries, copies of the notice of closure in workers' compensation cases. Such parties may not become aware of their right to appeal or may not become aware with sufficient time to act as the current appeal period is 60 days. Additionally, Oregon law requires the insurer or self-insured employer to pay the costs of the court reporter, one original transcript and one copy of the transcript for depositions arranged by the injured worker in reconsideration proceedings. The statute, however, is silent on the matter of interpreter services, and some insurers and self-insured employers have denied payment of interpreter fees.

Senate Bill 371 mandates that insurers and self-insured employers pay the costs for necessary interpreter services and requires insurers and self-insured employers to mail a copy of the notice of closure to the deceased worker's estate, and allows them to mail copies to beneficiaries. Senate Bill 371 also allows beneficiaries, not receiving a copy of the notice of closure, one year from the date the notice was mailed to the deceased worker's estate to request reconsideration.