

HOUSE AMENDMENTS TO HOUSE BILL 2764

By COMMITTEE ON BUSINESS AND LABOR

April 28

1 On page 6 of the printed bill, line 44, after the period insert “If the injured worker is repres-
2 ented by an attorney, the insurer or self-insured employer shall pay the attorney a reasonable at-
3 torney fee based upon an hourly rate for all efforts related to the personal or telephonic interviews
4 or depositions process under this subsection. After consultation with the Board of Governors of the
5 Oregon State Bar, the Workers’ Compensation Board shall adopt rules for the establishment, as-
6 sessment and enforcement of the hourly attorney fee rate specified in this paragraph.”.

7 Delete line 45.

8 On page 7, delete lines 1 through 5.

9 In line 6, delete “(c)” and insert “(b)”.

10 On page 8, lines 28 and 29, delete the boldfaced material and restore the bracketed material.

11 In line 29, before “shall” insert “, including attorney fees, penalties and costs.”.

12 On page 10, line 1, after “fee” insert “to compensate for the efforts of the claimant’s attorney
13 in defending those issues on which the insurer or self-insured employer did not fully prevail,”.

14 In line 8, after “disallowed” insert “in all respects as requested by the employer or the
15 insurer”.

16 In lines 17 and 18, delete the boldfaced material.

17 In line 38, after the comma insert “or costs, attorney fees or penalties,”.

18 On page 12, line 11, after “claimant’s attorney” insert a period.

19 Delete line 12.

20 In line 40, delete the boldfaced material.

21 Delete lines 41 through 45 and insert “The board shall review all attorney fee schedules
22 biennially for adjustment.”.

23 On page 13, delete lines 1 through 3 and insert:

24 “(5) In establishing attorney fees, the board shall consider, among other factors, the contingent
25 nature of the practice, allowing the broadest access to attorneys by injured workers regardless of
26 the amount at issue and the attorney fees earned by attorneys representing insurers and
27 employers.”.

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