

SB 780 STAFF MEASURE SUMMARY

Senate Committee On Workforce

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Meeting Dates: 3/8

WHAT THE MEASURE DOES:

Requires director of Department of Consumer and Business Services to conduct random selection of qualified physicians for independent medical examinations (IME) of injured workers. Authorizes director to adopt rules to establish process for randomly selecting physician and a process to select providers to perform IMEs outside of Oregon.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

The Oregon workers' compensation system provides benefits to workers who are injured or acquire an illness on the job. The director of the Department of Consumer and Business Services (DCBS), insurers or self-insured employers can request independent medical examinations (IME) for the purpose of processing a workers' compensation claim. In most cases, an IME is conducted after the insurer has made the initial determination about the claim. An IME is one of several medical opinions that are used by the insurer to evaluate the claim.

There have been frequent policy discussions about IMEs in the past 15 years. Since 2006, DCBS has implemented a certification process, training requirements and educational materials for providers that conduct IMEs. While DCBS maintains a list of qualified providers, the insurer of the worker has the discretion to select the provider. The insurer pays for the exam, including reimbursement for travel-related expenses.

In 2015, two bills proposing changes the IME process were introduced, Senate Bill 701 and House Bill 2581.

Proponents expressed concerns about the neutrality of IME providers the independence of IME examinations. Neither bill moved forward. The Worker's Compensation Management Labor Advisory Committee (MLAC) agreed to review IME issues in the 2015 and 2016 interim and to provide recommendations to the Legislative Assembly. The MLAC's IME Subcommittee Report (2017) describes the IME process in detail and reports concerns raised by stakeholders concerning the nature of the exam and the resulting report form the IME to the insurer. The subcommittee did not identify any major issues with the current IME system that merit a statutory change but recommended several improvements to the process.

Under Senate Bill 780, the insurer no longer selects the IME provider. Senate Bill 780 requires the director of DCBS to select the provider randomly from a list of qualified physicians that the director maintains.