



To: Chair Taylor & Members of the Senate Committee on Workforce

From: Bill Cross & Nellie deVries, Oregon Self-Insurers Association

Date: March 8, 2017

Re: Opposition to SB 780

The Oregon Self-Insurers Association (OSIA) is a non-profit, trade association comprised of certified self-insured and large-deductible employers as well as firms and organizations in business to provide services to the self-insured community.

OSIA is opposed to SB 780, which modifies the process for independent medical examinations (IMEs) of injured workers to provide for random selection of qualified physicians to conduct independent medical examinations in workers' compensation claims. The bill also establishes process for provider selection for out-of-state independent medical examinations.

Currently, injured workers have the right to choose their attending physician. The attending physician controls nearly every aspect of a claim including providing medical treatment, temporary disability authorizations, declaring claimant medically stationary (allowing for claim closure), rating permanent impairment, and providing permanent work restrictions.

Recent changes to the injury reporting form-801 have emphasized the worker's right to choose their medical provider. The worker can select their attending physician and the worker can change their attending physician without interference from the employer or insurer for a total of 3 physicians. The worker can request subsequent changes with the approval of the Workers Compensation Department.

SB 780 is unnecessary because the current system is balanced between the worker's right to select up to 3 attending physicians and the insurer/employer's ability to schedule up to three IMEs. In some cases where there is a difference of opinion, the WCD has a procedure for a "tie-breaker" such as a Worker Requested Medical Exam or Medical Arbiter Exam.

SB 780 raises the issue of time constraints. Examiners have 60 days to accept/deny a claim, 30 of that could be waiting for an IME provider to be available and issue a report. Waiting on the state could expose insurers and employers to civil penalties if the state delays that 60-day window.

Currently, a worker must be notified of the scheduled exam at least 10 days prior to the exam. Often the insurer/employer will not receive the report for 7-14 days after the examination. With only 60 days to process the initial claim, any added delay from the WCD can be detrimental to the claims process.

A system for selecting IME providers at random delays the insurer's investigation of the claim, potentially delaying benefits to the worker. SB 780 does not require the WCD to take into account the date of the exam, location of the exam, the specialty of the examiner, or the examiner's familiarity with the medical condition at issue. These are all factors the insurer must take into consideration when currently scheduling an exam.

The Oregon Self-Insurers Association respectfully requests your **opposition to SB 780**. And asks that the legislature focus efforts on educating workers of their existing rights before making massive changes in the workers' compensation system.