



March 8, 2017

RE: Senate Bill 780

Chair Kathleen Taylor and  
Members of the  
Senate Workforce Committee

Thank you for allowing Hoffman to testify before you today on Senate Bill 780.

Hoffman Construction performs work in many states. Our workers are one of our greatest assets. Unfortunately, we are not immune from having work related injuries on our jobsites. Our goal is that the worker seek quality care after an injury and that we work with the worker and the carrier/TPA physician to ensure early return to work with full return to work and full claim resolution.

Of all the states we do business, Oregon has one of the most complicated but fair workers compensation systems. Hoffman is grateful for the collaboration between labor and management in Oregon when it comes to matters around workers compensation. Hoffman participated in the Mahonia Hall agreements and has since remained active in offering the management perspective with regards to workers compensation issues. I personally sat on MLAC for 11 years and was co-chair with Bob Shiprack for 6 of those 11 years.

Hoffman comes before you today to express our steadfast support of the IME process as it is today in Oregon. We expect that when a worker files a workers' compensation claim that our carrier and their TPA will manage that claim to get the best result possible for the injured worker. However, there are times when the attending physician is unable or unwilling to provide enough information for a long term prognosis or gets "stuck" in moving the worker forward. It is at those times that we understand the IME process to be of significance in the claims process.

MLAC has spent a great deal of time off and on over the years to ensure a fair IME process. They have spent a significant amount of time this last year reviewing this subject and have made some recommendations which include easier access to the WRME (Worker Requested Medical Exam) process. However, SB 780 goes beyond their recommendations and we believe would have a negative impact to the outcomes of our claims.

We appreciate that you all understand that each worker gets a choice of up to three attending physicians during their claim (and an additional three with each reopening). This ensures workers have a choice. The IME process equally allows the carrier to confirm the diagnosis, prognosis, and ongoing treatment plan for the worker. I have learned in my 25 years of working with injured workers all over the country that each one worker's case is different. They may have similar injuries but each worker

comes with their own unique medical blueprint. We strive to ensure that we are getting the best information and acting upon accurate information when it comes to return to work. We have a very successful return to work program and I relate much of that to the attention to the medical care and overall handling of the claim a worker receives after being injured on a Hoffman job.

Hoffman has the philosophy of treating their injured workers as we would treat a family member. I want to be ensured that our carrier/TPA is choosing quality providers for IME's that are matched to the worker's condition. Getting an opinion that is objective and well thought out with quality recommendations is critical to the success of our worker's recovery.

An injured worker's injury is not black and white just as the law is not black and white. I would not want my family member to have a provider chosen randomly for them. I would hope that the purpose for getting additional opinions is to get quality feedback on the care rendered and the specific conditions related to the work related event. The IME process is the only meaningful opportunity to ask questions and try to get answers that will have a positive impact on the outcome of the claimants claim and recovery.

During the time I served on MLAC we had multiple discussions about IME's. Ultimately at the end of the day the most significant issues were that of poor communication between a carrier/TPA, the worker and the treating provider. Communication is an ongoing quality measure that must take place. If there are abuses in the process we need to address the culprits. Changing a system to an impersonal ad hoc process will do nothing to positively impact the outcome of injuries. Matching providers up with the specific claimant condition has been a critical part of our insurance program. To date Hoffman has not had a Permanent Total Disability Claim. We focus on positive results throughout the process.

For all of these reasons which are also in addition to many reasons that others are bringing forward Hoffman cannot support Senate Bill 780. We understand some of the concerns that have been expressed but would instead ask that you have the WCD continue to focus on the offenders who may need guidance on how to effectively communicate the IME process and what the worker should expect. We also ask that you take into consideration if you have not already the recommendations made by MLAC with regards to the WRME process.

Sincerely,



Sheri Sundstrom, CRIS  
Insurance Claims Manager