

## **HB 2335 STAFF MEASURE SUMMARY**

### **House Committee On Business and Labor**

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**Meeting Dates:** 2/6, 2/15

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#### **WHAT THE MEASURE DOES:**

Allows Director of Department of Consumer and Business Services to appoint up to three members to panel of medical arbitrators when requested by party involved with closure of workers' compensation claim.

No fiscal or revenue impacts.

#### **ISSUES DISCUSSED:**

- Potential time and travel burden for injured worker attending three-member panel of medical arbiters
- Rare case in which tie-breaker arbiter is needed
- Potential costs savings to insurers
- Lead arbiter role in writing the consensus decision
- Support of Management-Labor Advisory Committee
- Whether nurse practitioners could serve as medical arbitrators
- Definition of "panel" as meaning more than one

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

When an injured worker's permanent disability has been determined and the insurer is closing the workers' compensation claim, the Director of the Department of Consumer and Business Services must refer the claim to a medical arbitrator if there is disagreement with the impairment used in rating the level of disability. The Director can also choose to send the claim to an arbiter if the Director determines additional medical information is needed to determine the disability. At the request of the injured worker or the insurer, the Director must appoint three medical arbitrators to a panel. The arbiters must be selected from a list of physicians who the Director has selected in consultation with the Oregon Medical Board and Management-Labor Advisory Committee. The arbiters may examine the worker and perform tests to establish the worker's impairment; the arbiter's expenses are paid by the insurer.

House Bill 2335 gives the Director discretion to appoint two or three physicians to a medical arbiter panel, based on criteria the Director sets in administrative rules.

The Workers' Compensation Management-Labor Advisory Committee (MLAC) voted to support this bill.