

HB 2335 STAFF MEASURE SUMMARY

Carrier: Sen. Monnes Anderson

Senate Committee On Workforce

Action Date: 05/03/17

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Gelser, Hansell, Knopp, Monnes Anderson, Taylor

Fiscal: No fiscal impact

Revenue: No revenue impact

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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 arbiters upon request by party involved with closure of workers' compensation claim.

ISSUES DISCUSSED:

- Challenges of appointing three arbiters to every panel
- Absence of legislative history explaining why panel size was set at three arbiters
- Limited need for tie-breakers on panel decisions
- Savings associated with measure
- Support for measure by Workers' Compensation Management-Labor Advisory Committee

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 arbiter 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 is required to appoint three medical arbiters to a panel. The arbiters must be selected from a list of physicians developed in consultation with the Oregon Medical Board and Management-Labor Advisory Committee. The arbiters may then 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. According to testimony by Legislative Counsel before the House Committee on Business and Labor, the measure also includes non-substantive, stylistic changes to the text to conform with the Form and Style Manual for Legislative Measures.