

CUMMINS GOODMAN DENLEY & VICKERS PC

ATTORNEYS AT LAW

100 S. COLLEGE STREET • PO BOX 609 • NEWBERG, OREGON 97132-0609
PHONE: 503-476-8200 • FAX: 503-476-8201 • www.cumminsgoodman.com

JAMES S. ANDERSON ^{†▪}
ELLIOTT C. CUMMINS ^{*}
MATTHEW D. BAKER [♦]
MATTHEW F. DENLEY ^{†**}
GEORGE W. GOODMAN ⁺
ANDREW H. GRAHAM ⁺
JOSLYN D. KEATING ⁺
ROBERT B. NICHOLS ⁺
KOLBI E. TREBBIEN
DAMON L. VICKERS ^{†***}
ANTHONY S. WALTERS
DOUGLAS E. WATSON ⁺

[†]Also admitted to practice in Washington
^{**}Also admitted to practice in District of Columbia
[♦]Only admitted to practice in Washington
[‡]Also admitted to practice in Idaho
[▪]Also admitted to practice in Massachusetts and Georgia
^{*}Retired

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House Business and Labor Committee

Chairman Barker and Committee Members:

My Firm submits this written commentary on HB 3022 on behalf of itself and Associated Oregon Loggers (“AOL”). AOL is the statewide trade association representing some 1,000 member companies engaged in the harvest and sustainable forest management of Oregon’s 30 million acres of forestland. This commentary is submitted to express the grave concerns HB 3022 raises for AOL and its members.

In short, HB 3022 sets Oregon’s Workers’ Compensation System back 30 years to the days prior to the Mahonia Hall reforms during the 1990s. The Oregon Legislature undertook massive improvements to the slow and expensive Workers’ Compensation System in the 1990s. Those improvements have made Oregon’s Workers’ Compensation System a model for the nation in terms of delivery of injured worker benefits, efficiency and controlled premiums. HB 3022 seeks to reverse several of those improvements.

In summary, HB 3022 would make the following significant changes to Oregon’s Workers’ Compensation System:

- Invalidates the Oregon Supreme Court’s decision in *SAIF v. Brown*, 361 OR 241 (2017) which confirmed that the term “compensable injury” under the current Act referred to a specific medical condition accepted by an employer in any particular claim.
- Eliminates consideration of the contributions from a workers’ pre-existing medical conditions if such conditions would reduce a workers’ benefits;
- Eliminates apportionment of impairment between an injured worker’s pre-existing medical conditions and the worker’s compensable injuries. Total impairment would be paid to the worker regardless of any contribution to such impairment from a pre-existing medical condition;

- Eliminates acceptance of combined conditions where a workers' pre-existing condition combines with a work injury to cause or prolong a worker's need for treatment or disability;
- Allows injured workers to retain overpayments of benefits which were paid more than 60 days prior to assertion of an overpayment by an employer;
- Does not permit an injured worker to agree to include the worker's own motion benefits in a settlement without specific involvement of the Director;
- Increases the amount of time for which time loss authorizations can be backdated from 14 to 60 days;
- When an arbiter examination is requested on reconsideration of a notice of closure, HB 3022 eliminates an employer's ability to request a panel examination by experts of different medical disciplines;
- Allows workers but not employers to submit rebuttal evidence to an arbiter's findings;
- Requires employers to pay for medical examinations by providers of the worker's choice as part of the process of litigating denied claims;
- Eliminates the major cause standard for worsening of pre-existing conditions

The changes which would be implemented by HB 3022 in its current form would drastically increase litigation of workers' claims and therefore would increase delays and costs associated with such claims. The Bill would reverse many of the improvements to Oregon's Workers' Compensation System which were negotiated between labor and management during the 1990s and which have made Oregon's system a model for the nation. I urge the Committee to reject this bill and maintain the efficiency and fairness of Oregon's current Workers' Compensation System.

CUMMINS, GOODMAN,
DENLEY & VICKERS, P.C.