

SB 1585 -2 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 2/3, 2/8, 2/10

WHAT THE MEASURE DOES:

Directs the Department of Consumer and Business Services (DCBS) and the Oregon Health Authority (OHA) to enter into an intergovernmental agreement by which the OHA must disclose to the DCBS data related to the outbreak of COVID-19 in workplaces to enable the DCBS to inform beneficiaries of their rights related to Workers' Compensation death benefits. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Directs the Department of Consumer and Business Services (DCBS), the Employment Department (OED), and the Oregon Health Authority (OHA) to enter into an intergovernmental agreement to share information necessary to enable the DCBS to inform beneficiaries of Worker's Compensation death benefits of their rights. Requires the shared information to be the minimum necessary to inform beneficiaries of their rights. Limits the shared information to deaths from COVID-19 workplace outbreaks. Limits the data to rights of beneficiaries that arise before the state of emergency as declared by the Governor and subsequently extended is no longer in effect. Requires the DCBS, in consultation with the OED and the OHA, to submit a report to the Legislative Assembly by December 15, 2022 describing the implementation of the intergovernmental agreement. Declares emergency, effective upon passage.

BACKGROUND:

Under Oregon's Workers' Compensation plan, the surviving spouse, children, and other eligible dependents of a deceased worker who was accidentally injured at the workplace may receive benefits. Those benefits include the cost of final disposition of the deceased's body and funeral expenses. A surviving spouse may receive monthly benefits until the surviving spouse remarries. A surviving child under the age of 19 may receive benefits until that child reaches 19 years of age. Children or dependents between the ages of 19 and 26 years of age at the time of the deceased's death also may receive benefits. The amount of the death benefit is based on the average weekly wage for the state, as determined by the Oregon Employment Department, for the last quarter of the calendar year preceding the fiscal year in which the injury occurred.

Under regulations promulgated by the Department of Consumer and Business Services (DCBS), which oversees the Workers' Compensation program through the Workers' Compensation Division, an insurer must conduct a reasonable investigation prior to denying a workers' compensation claim for workplace exposure to COVID-19. The investigation must include whether there was likely exposure to COVID-19 that arose out of the workplace, determining the source of the worker's exposure to COVID-19, determining whether the worker did not work for a period of quarantine at the direction of a medical services provider, and determining whether medical services were required as a result of potential workplace exposure to COVID-19. An insurer's denial of COVID-19-related claims may be audited by the Director of the DCBS.

Senate Bill 1585 directs the DCBS to enter into an intergovernmental agreement with the Oregon Health Authority (OHA) by which the OHA must disclose to the DCBS data related to the outbreak of COVID-19 in workplaces to enable the DCBS to inform beneficiaries of their rights related to Workers' Compensation death benefits.