

Advocates and Advisory Groups

Injured workers and employers often find the workers' compensation system confusing or inaccessible. Oregon has recognized that the comprehensibility of and access to the system are essential features of success. Therefore, a number of advocates and advisory groups provide services and recommend policy.

Ombudsman for Injured Workers

The 1987 Legislature created the Office of the Ombudsman for Injured Workers as an independent advocate for injured workers, assisting workers by accepting, investigating, and attempting to resolve complaints concerning matters related to workers' compensation. Recognizing the value of the office, the Legislature increased the staff during the 1990 special session. Legislation passed in 2003 clarified the supervision and control of ombudsman services and required that quarterly reports be submitted to the governor. The office consists of the ombudsman and seven staff members.

In 2009, the office recorded more than 11,600 inquiries; the number of inquiries has remained fairly constant for the past three years. About 88 percent of these inquiries were from injured workers. Inquiries also came from attorneys, insurance companies, employers, and others. The issues that prompted the most inquiries were claims processing, medical benefits, and accurate and timely benefits.

Small Business Ombudsman

The Office of the Small Business Ombudsman for Workers' Compensation was created during the 1990 special session to serve as an advocate for and educator of small businesses. The SBO is the resource center for employers needing information about the workers' compensation system. It helps resolve disputes between employers and insurers, provides educational seminars and trade shows, and assists all parties. The office had about 1,200 inquiries in 2009.

Medical Advisory Committee

The members advise the director on matters relating to medical care for workers. In 1999, SB 222 revised the composition and duties of this statutory committee. The statute allows the director to appoint medical providers that most represent the health care services provided to injured workers, which may include representatives of insurers, employers, and managed care organizations.

Recent Medical Advisory Committee Projects

- Worked to establish guidelines and best practices for the management of patients receiving opioids for pain.
- Made compensability recommendations for surgical procedures and implants for patients requiring lumbar or cervical artificial spinal disc replacements.
- Made recommendations to MLAC regarding the adoption of updated impairment-rating methodology.

Management-Labor Advisory Committee

In recognition of the success of the governor's labor-management committee in crafting the 1990 reforms, the Legislature created the Management-Labor Advisory Committee (MLAC). This committee reaffirms that labor and management are the principal parties in the workers' compensation system. The committee advises the department on workers' compensation matters such as administrative rules and legislation.

In 1995, SB 369 reduced the membership of MLAC from 14 members to 10 members and included mandatory reporting on several issues: court decisions having significant impact on the workers' compensation system, the adequacy of workers' compensation benefits, medical and system costs,

and the adequacy of assessments for reserve programs and administrative costs. In 2003, the Legislature removed the requirement that MLAC review temporary rules that establish disability rating standards for individual claims.

Recent Management-Labor Advisory Committee Activities

- Recommended the establishment of a fee schedule and policy covering foreign language interpreters.
- Recommended to Legislature that certain cancers be presumed compensable occupational diseases in firefighters (HB 2420 passed).
- Recommended increases in some attorney fee maximums, commensurate with changes in average weekly wage, and allowed fees in certain circumstances in which workers' attorneys had not been compensated (HB 3345 passed).
- Recommended increases in death benefits for worker fatalities along with policy changes regarding beneficiaries (SB 110 passed).
- Reviewing recommendations for the adoption of updated impairment-rating methodology.