

Advocates and Advisory Groups

Injured workers and employers may 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 2013, the office recorded about 8,500 inquiries; the number of inquiries has decreased about 11 percent over the past two 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 Small Business Ombudsman 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 nearly 800 inquiries, and more than 1,100 subsequent contacts, in 2013.

Medical Advisory Committee

The members advise the director on matters relating to medical care for workers. In 1999, Senate Bill 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

- In conjunction with WCD, the Medical Advisory Committee approved a set of opioid prescriptions guidelines to assist doctors in prescribing, maintaining and withdrawing opioids in the treatment of injured workers.

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

- The committee recommended improvements to the e-billing system to encourage provider participation.
- Studied issues affecting access to and continuity of care for injured workers in the system. The committee recommended legislation to improve access to treatment by extended the authority of authorized nurse practitioners and chiropractors who want to continue treating workers after enrollment in a managed care organization.

The Workers' Compensation Research Institute (WCRI) has recognized Oregon's workers' compensation system as a model that could provide lessons for other states. The study "Lessons from the Oregon Workers' Compensation System" provided four key lessons. One of these lessons is the cooperation between management and labor that is embodied in the Management-Labor Advisory Committee.

WCRI listed six factors in the design and operation of MLAC that are associated with its effectiveness in bringing about orderly and lasting change in the Oregon system.

- *Labor and management, not other interest groups, influence but do not control the system through MLAC.* MLAC is composed of five voting representatives from business and five from labor; the DCBS director is an ex-officio member.
- *The governor vows to veto any workers' compensation bill that does not gain advisory committee (i.e., labor and management) endorsement.* This feature has been the cornerstone of Oregon's advisory-committee process. In making such a vow, the governor has effectively said no to other interest groups unless management and labor have approved.
- *The Legislature usually defers to MLAC.* The advisory committee enjoys the support of legislators. Legislative caucus leaders and committee chairs generally understand that workers' compensation bills should first be vetted by MLAC.
- *The state agency actively supports MLAC by conducting studies and drafting legislative proposals.* Most MLAC members said it is critical that the state agency conduct special studies to provide input to their deliberations.
- *Public input is encouraged through testimony at MLAC meetings and other mechanisms.* This enables all parties to express concern, advocate, raise questions, and voice opposition.
- *Subcommittees are often used to hear testimony, narrow issues, and consider changes to legislative proposals.* This enables the advisory committee to draw on technical experts on technical issues, and it allows for the division of labor among MLAC members, who are volunteers.