



### **Saving Money and Helping Rehabilitate the Worker**

Getting the worker back to work at modified duty can save you money and benefit the worker. Under modified duty, if the worker receives full pay, your insurance carrier pays the worker nothing, and time-loss costs stop, thereby decreasing the effect the claim will have on future insurance costs. Also, the sooner the worker returns to work, the better the chance of a more complete recovery. There are some restrictions on what an employer may offer as modified work. Refer questions to your insurer.

### **Requesting a Hearing**

ORS 656.283(3), gives you the right to request a hearing on any action taken involving a worker's right to compensation or the amount of the compensation. Your request must be in writing and must be sent to:

#### **Workers' Compensation Board**

Hearings Division  
2601 25th St. SE, Ste. 150  
Salem, OR 97302-1282  
For information, call 503-378-3308  
Web address: [www.wcb.oregon.gov](http://www.wcb.oregon.gov)

### **Requesting a Paying Agent Order**

If you have reason to believe that an injured worker's condition may have been caused by prior employment, you can request a Paying Agent Order under ORS 656.307 to bring a previous employer into the proceeding. However, the worker must have filed a claim for the same condition with the prior employer for an order to be considered.

### **Reimbursing the Insurer**

OAR 436-060-0055 and ORS 656.262 allow you the option of reimbursing the insurer up to \$1,500 in medical-only claims. These reimbursed costs cannot be used for experience-rating calculations. The insurer is required to notify you of this option before the start of the policy year. If you wish to participate in this program, you must respond in writing. You may opt to participate later, but the insurer must agree to your participation date.

For information on any of these rights, please call the Workers' Compensation Division Benefits Section in Salem, (503) 945-7585.

Only through active participation can you, the employer, ensure that your employees receive the care to which they are entitled following an injury, while making certain every possible step is taken to control the costs related to this system.



If you have questions regarding the information in this brochure or other issues relating to Oregon workers' compensation, please contact:

#### **Small Business Ombudsman**

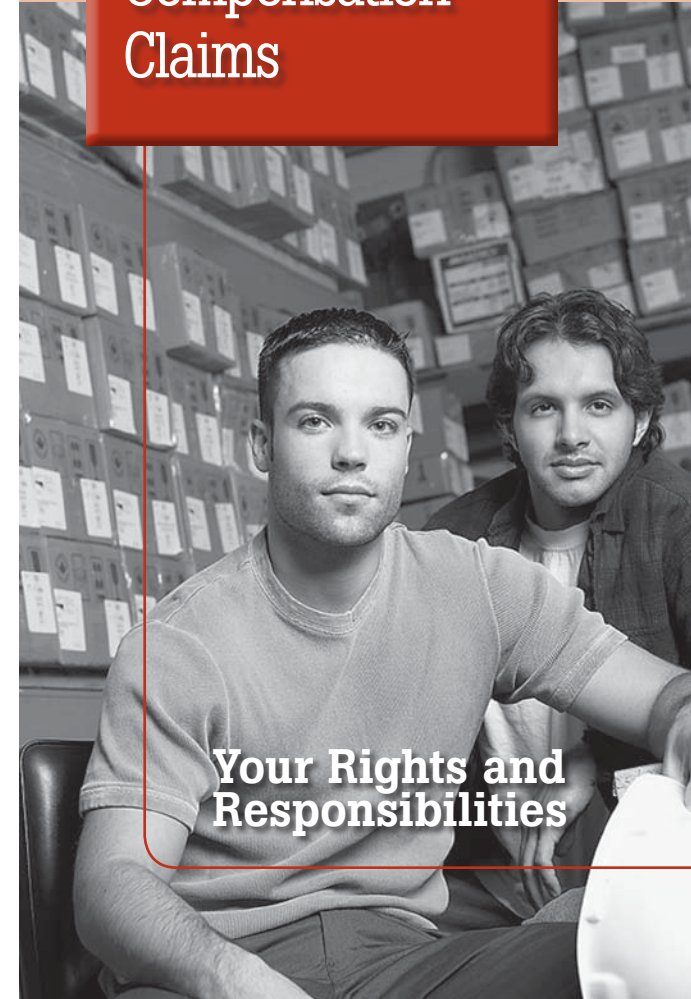
P.O. Box 14480  
Salem, Oregon 97309-0405

Phone: 503-378-4209  
Fax: 503-373-7639

Web address:  
[oregon.gov/DCBS/SBO](http://oregon.gov/DCBS/SBO)

O R E G O N

## Small Businesses Workers' Compensation Claims



### Your Rights and Responsibilities



DEPARTMENT OF  
CONSUMER  
& BUSINESS  
SERVICES

Small Business Ombudsman

Oregon's workers' compensation system, particularly the claims-handling process, can seem complex to businesses.

Many employers feel they have no role to play in the management of a claim filed by their injured worker. This is a serious and potentially expensive misconception.

The following information can enable you to be an active and effective participant in the workers' compensation claims process as it relates to your employees. It outlines your rights and responsibilities regarding workers' compensation claims.



### **Reporting Injuries**

Employers must accept notice of a claim from a worker and report that injury to their insurance company within five days. If the worker needs no medical treatment or is given first aid only, there is no need to notify the insurer. A record of this injury should be maintained for a year. If, however, the employer later learns that the injury has worsened and requires medical attention from a licensed practitioner, the employer must report the injury within five days by using form 801 (OAR 436-060-0010(1)(2)).

### **Voicing Your Opinion**

When filing form 801 to report an injury to your insurer, you may attach a sheet to the 801, expressing any concerns that the claim might be suspicious or fraudulent. Be specific about your concerns, and provide documentation to back them up (ORS 656.262(3)(C)).

### **Involvement in Claims Processing**

In your insurance contract, you give the right to process and settle claims to your insurance company. However, your insurance company is working for you. If you want to know what is happening on a claim, call your insurer or your agent and ask. Let them know you want to cooperate in any way necessary to get the injured worker back to work. The sooner the worker is returned to work in any capacity, the better the odds of a successful rehabilitation.

### **Contacting the Worker After an Injury**

You should feel free to contact the worker and keep in touch throughout the claims process. Let the worker know you are concerned with his or her well-being. Keep communication lines open, and you and your employee won't be likely to become adversaries.

### **Paying Compensation to an Injured Worker Under ORS 656.262(12)**

You may, with the authorization and knowledge of the insurance company, pay the compensation benefit and be reimbursed by the insurer. However, the compensation benefit must be paid according to statute, and you must provide adequate documentation to the insurance company for the reports it is required to file. You must distinguish this from other money paid to the worker, because compensation is non-taxable income.

### **Contacting the Doctor**

You may contact the injured worker's physician at any time and ask for the conditions under which the worker can return to work. You have a right to keep abreast of the worker's condition or to effect an early return to a modified or regular job, with the physician's approval. The worker is required to participate in his or her physical rehabilitation to the fullest extent possible.

