

SENATE COMMITTEE ON LABOR

May 22, 1991 Hearing Room 50 3:00 p.m. Tapes 120 - 121 MEMBERS
PRESENT: SEN. GRATTAN KERANS, CHAIR SEN. LARRY HILL, VICE-CHAIR SEN.
PETER BROCKMAN SEN. BOB KINTIGH SEN. BOB SHOEMAKER

STAFF PRESENT: ANNETTE TALBOTT, COMMITTEE COUNSEL ROBERTA WHITE,
COMMITTEE ASSISTANT MEASURES CONSIDERED: SB 1206 - AUTHORIZES
COMMISSIONER OF BUREAU OF LABOR AND INDUSTRIES TO CHARGE FEES FOR
ISSUANCE OF EMPLOYMENT CERTIFICATES FOR MINORS SB 18 - EXTENDS EXISTENCE
OF JOINT LEGISLATIVE TASK FORCE ON INNOVATIONS IN WORKERS' COMPENSATION
INSURANCE UNTIL JUNE 30, 1995 SB 732 - BASES CALCULATION OF WORKERS'
COMPENSATION PERMANENT PARTIAL DISABILITY BENEFITS ON AVERAGE WEEKLY
WAGE SB 733 - MODIFIES CIRCUMSTANCES UNDER WHICH WORKER WHO IS RECEIVING
MEDICAL TREATMENT FOR COMPENSABLE INJURY MAY RECEIVE PAYMENT FOR ABSENCE
FROM WORK SB 704 - AUTHORIZES DENTISTS TO BE ATTENDING PHYSICIANS FOR
PURPOSES OF WORKERS' COMPENSATION LAW SB 658 - REQUIRES REVIEW OF
MEDICAL TREATMENT BY CHIROPRACTIC PHYSICIANS IN WORKERS' COMPENSATION
CASES AFTER SPECIFIED PERIOD OF TIME - SB 1048 - AUTHORIZES
PODIATRISTS TO BE "ATTENDING PHYSICIANS" UNDER WORKERS' COMPENSATION LAW
SB 967 - REQUIRES THAT INTERESTS OF PERSONNEL OF EXISTING MEDICAL
SERVICES OPERATION OR SYSTEM BE PROTECTED IF OPERATION OR SYSTEM
ACQUIRED BY ANOTHER ENTITY SB 792 - PSYCHOLOGICAL TESTING SB 862 -
ELECTRIC MONITORING

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statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 120, SIDE A

001 CHAIR KERANS: Calls the meeting to order. (3:03 p.m.) Senate
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· Removes SB 732 and SB 733 from the agenda.

008 MOTION: CHAIR KERANS MOVES THE RECONSIDERATION OF THE VOTE BY WHICH
SB 792 & 862 WERE PASSED OUT OF COMMITTEE.

VOTE: HEARING NO OBJECTION THE MOTION CARRIES.

WORK SESSION ON SB 1206 - AUTHORIZES COMMISSIONER OF BUREAU OF LABOR AND
INDUSTRIES TO CHARGE FEES FOR ISSUANCE OF EMPLOYMENT CERTIFICATES FOR
MINORS

012 CHAIR KERANS: Explains the amendments (EXHIBIT A) to SB 1206.

023 MOTION: CHAIR KERANS MOVES THE ADOPTION OF THE MAY 22, 1991
AMENDMENTS TO SB 1206 044 VOTE: HEARING NO OBJECTION, THE MOTION
CARRIES CHAIR KERANS: Suggests removing the subsequent referral to Ways
and Means.

055 MOTION: CHAIR KERANS MOVES SB 1206 AS AMENDED TO THE FLOOR WITH A
"DO PASS" RECOMMENDATION, RESCINDING THE SUBSEQUENT REFERRAL TO WAYS AND
MEANS, WITH THE UNDERSTANDING THAT THE SPEAKER OF THE HOUSE WILL REFER
TO THE HOUSE WAYS AND MEANS AFTER THE HOUSE LABOR COMMITTEE 059 VOTE:
HEARING NO OBJECTION, THE MOTION CARRIES.

WORK SESSION ON SB 18 - EXTENDS EXISTENCE OF JOINT LEGISLATIVE TASK
FORCE ON INNOVATIONS IN WORKERS' COMPENSATION INSURANCE UNTIL JUNE 30.

1995

TALBOTT: At Senator Gold's request I drafted an amendment to allow the Task Force to accept public and private gifts and grants to carry out it's duties. 074MOTION: CHAIR KERANS MOVES THE ADOPTION OF THE AMENDMENT DATED 5/21/91 TO SB 18 (EXHIBIT B). VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. 075 MOTION: CHAIR KERANS MOVES SB 18 AS AMENDED TO THE COMMITTEE ON WAYS AND MEANS WITH A "DO PASS" RECOMMENDATION. 082 SENATOR SHOEMAKER: The task force should look at the issue of 24 hour health and disability care. SENATOR HILL: I have confidence in the subjects of the committees we already have

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112 CHAIR KERANS: The Chair will withdraw his motion.

WORK SESSION ON SB 967 - REQUIRES THAT INTERESTS OF PERSONNEL OF EXISTING MEDICAL SERVICES OPERATION OR SYSTEM BE PROTECTED IF OPERATION OR SYSTEM ACQUIRED BY ANOTHER ENTITY 131ANNETTE TALBOTT, COMMITTEE ADMINISTRATOR: Explains the amendments to SB 967 (EXHIBIT C).

143 MOTION: SENATOR SHOEMAKER MOVES THE AMENDMENTS. . VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. 145 MOTION: SENATOR SHOEMAKER MOVES THE BILL AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

147 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

WORK SESSION ON SB 792 - PSYCHOLOGICAL TESTING 170 ANNETTE TALBOTT, COMMITTEE ADMINISTRATOR: Explains the amendments to SB 792 (EXHIBIT D).

227 MOTION: SENATOR HILL MOVES THE ADOPTION OF THE AMENDMENTS DATED MAY 22, 1991 TO SB 792. 230 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

SENATOR SHOEMAKER: Suggests change in language.

· On line 3 "accept personnel responsible for employee selection or promotion decisions. MOTION: CHAIR KERANS MOVES THE FURTHER ADOPTION OF THE SUPPLEMENTAL AMENDMENTS TO SB 792.

264 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. 275 MOTION: SENATOR HILL MOVES THE BILL AS AMENDED TO THE FLOOR WITH THE "DO PASS" RECOMMENDATION. 279 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

WORK SESSION ON SB 704 - AUTHORIZES DENTISTS TO BE ATTENDING PHYSICIANS FOR PURPOSES OF WORKERS' COMPENSATION LAW Witnesses: Larry Young, Deputy Administrator, Workers' Compensation Division, Department of Insurance and Finance Nan Dewey, Oregon Dental Association Del Isham, Naturopathic Physicians

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306 LARRY YOUNG, DEPUTY ADMINISTRATOR, WORKERS' COMPENSATION DIVISION: When SB 1197 was passed the emphasis and direction of the medical component portion of the medical service provider system was changed significantly. 371 SENATOR HILL: You didn't have dedicated staff before, so there were no savings directly attributable to that particular change in SB 1197? YOUNG: That is correct. SENATOR HILL:

You're fiscal impact statement suggested "dedicated" staff and that is why there is an increase; if we "limped" along without that staff before, what difference in SB 119 7 requires additional staff? YOUNG: Adding dentists and pediatricists as attending physicians affects the workload. Describes affects such as an increase of patients.

430 CHAIR KERANS: Will there be a change? YOUNG: The only thing we have come up with was different classifications; on medical review specialist would reduce costs. CHAIR KERANS: So if both were enacted, the actual fiscal impact would be somewhat less? YOUNG: Correct. SENATOR HILL: If we didn't have people dedicated to auditing the attending physicians prior to SB 1197, as of now, how many MD's do we have auditing attending physicians? YOUNG: We had people doing it; presently we have a staff of 23 in our medical review and abuse section and additional staff have been approved by Ways and Means so we are talking about approximately 34 or 35 positions.

TAPE 121, SIDE A

047 CHAIR KERANS: We have an amendment offered by the naturopathic physicians, (EXHIBIT E). 073 NAN DEWEY, OREGON DENTAL ASSOCIATION: Testifies in opposition to the amendment. I feel this amendment would "muddy up" the bill; we feel the bill should stand on its own merit and that the naturopathic physicians have their own bills this session.

057 DEL ISHAM, NATUROPATHIC PHYSICIANS: Testifies in support of adding the amendment to the bill (Exhibit E). 100 MOTION: SENATOR HILL MOVES SB 704 TO THE FLOOR WITH A "DO . These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. Senate Committee on Labor May 22, 1991- Page 5

PASS" RECOMMENDATION. 108 VOTE: IN A ROLL CALL VOTE, THE BILL PASSES WITH A VOTE OF 5-0.

WORK SESSION ON SB 1048 - AUTHORIZES PODIATRISTS TO BE "ATTENDING PHYSICIANS" UNDER WORKERS' COMPENSATION LAW 119 MOTION: SENATOR HILL MOVES SB 1048 TO THE FLOOR WITH A "DO PASS" RECOMMENDATION.

139 VOTE: IN A ROLL CALL VOTE, THE BILL PASSES WITH A 41 VOTE. MEMBERS VOTING NO: SENATOR BROCKMAN

WORK SESSION ON SB 658 - REQUIRES REVIEW OF MEDICAL TREATMENT BY CHIROPRACTIC PHYSICIANS IN WORKERS' COMPENSATION CASES AFTER SPECIFIED PERIOD OF TIME Witnesses: Chuck Bennett, Chiropractic Association Larry Young, Deputy Administrator, Workers' Compensation Division 150 ANNETTE TALBOTT, COMMITTEE ADMINISTRATOR: Outlines the amendments to SB 658 (EXHIBIT F). CHUCK BENNETT, CHIROPRACTIC ASSOCIATION: Outlines SB 658.

193 LARRY YOUNG, DEPUTY ADMINISTRATOR, WORKERS' COMPENSATION DIVISION: The medical arbiter is defined under 656.268 sub 7. BENNETT: Our problem is with the availability of MD's and DO's to do the reviews; we are trying to resolve the access problem. SENATOR KINTIGH: What is the time frame under the present set up and what is envisioned? BENNETT: Currently there is no time frame, but an absolute end. Under this, there are various time frames outlined that establish that the arbiter shall respond to the parties within 30 days of the request for review and then within 10 days of making the findings, the director shall issue an order based on the findings. SENATOR SHOEMAKER: Would it be appropriate to give the arbiter authority to order reimbursement or non-compensation? This essentially doubles the amount of time a

chiropractor has to treat patients. BENNETT: I don't think that there would be a problem as they were operating under the directors discretion; I believe that is addressed in lines 11 - 12. 403 CHAIR KERANS: We will amend the bill to say that the arbiter shall distinctly have findings shall distinctly have findings relative to the compensation or non-compensation of treatment. Senate Committee On Labor May 22, 1991 Page 6

TALBOTT: Continues clarifying amendments.

426 MOTION: CHAIR KERANS MOVES THE ADOPTION OF THE AMENDMENTS DATED MAY 22, 1991 TO SB 658 AS AMENDED ON LINES 9 - 11 TO INCLUDE THE AFFIRMATIVE DUTY OF THE MEDICAL ARBITER TO MAKE A FINDING REGARDING COMPENSATION OR NON-COMPENSATION FOR TREATMENT THAT OCCURRED OUTSIDE THE LIMITS OF ORS 656.005 SUB 12, PARAGRAPH B, SUB PARAGRAPH B. 468 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES. 471 MOTION: SENATOR SHOEMAKER MOVES SB 658 AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION. 480 VOTE: IN A ROLL CALL VOTE, THE BILL PASSES WITH A 41 VOTE. MEMBERS VOTING NO: SENATOR KINTIGH

TAPE 120, SIDE B

WORK SESSION ON SB 862 - ELECTRIC MONITORING

040 CHAIR KERANS: Outlines the amendments to SB 862 (EXHIBIT G).

SENATOR SHOEMAKER: Explains additional amendments to SB 862; I think that employees should be told of any eaves dropping on phone conversations, regardless of the nature.

· Past that, the collection, storage, analysis and reporting of information should respond to notice requirements and litigation possibilities to the extent that it doesn't relate to the business of the employer.

119 MOTION: CHAIR KERANS MOVES THE ADOPTION OF AMENDMENTS TO SB 862.
120 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

MOTION: CHAIR KERANS MOVES THE AMENDMENTS AS FURTHER AMENDED, (EXHIBIT H). 146 VOTE: HEARING NO OBJECTION, THE MOTION CARRIES.

148 MOTION: CHAIR KERANS MOVES THE BILL AS AMENDED TO THE FLOOR WITH A "DO PASS" RECOMMENDATION. 158 VOTE: IN A ROLL CALL VOTE, THE BILL PASSES WITH A 3-2 VOTE. MEMBERS VOTING NO: SENATORS BROCKMAN AND KINTIGH

WORK SESSION ON SB 732 - BASES CALCULATION OF WORKERS' COMPENSATION PERMANENT PARTIAL DISABILITY BENEFITS ON AVERAGE WEEKLY WAGE . . .
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Witnesses: Frank Biehl, Association of Western Pulp and Paper Workers'
182 FRANK BIEHL, ASSOCIATION OF WESTERN PULP AND PAPER WORKERS': Explains the (-3) amendments (EXHIBIT I). 373 SENATOR HILL: I would level the scheduled and unscheduled. CHAIR KERANS: I wouldn't have interest in bringing down the dollars per degree of scheduled disabilities. SENATOR HILL: I would agree, but they compensate inequitably. CHAIR KERANS: I would leave those where they are and engage in some compression; I think the proposal brought by Mr. Biehl is excellent. 397 BIEHL: This would increase the aggregate benefit by some 5.7 million dollars without considering the indexing.
422 SENATOR HILL: Why do we need to maintain a dual system? BIEHL: I don't have an answer to that. CHAIR KERANS: That is a goal we should

have as we work to simplify this process, but this isn't the time to deal with that. BIEHL: This bill does have a sunset clause.

480 SENATOR HILL: I would feel better if we gave direction to the Interim Labor Committees to review the method of awarding scheduled and non-scheduled benefits, considering a system of awarding benefits that would merge the two.

TAPE 121, SIDE B

054 SENATOR HILL: For an example, what would the award be for someone in tier one, mid range under your proposal?

BIEHL: I will try to get that information to you.

CHAIR KERANS: I would like to draw your attention to staff's hand engrossed amendment to SB 733, (EXHIBIT K).

069 CHAIR KERANS: The meeting is adjourned. (4:34 p.m.)

Submitted by: Reviewed by: Roberta White Annette Talbott
Assistant Committee Counsel

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EXHIBIT LOG:

A - SB 1206: Proposed amendment submitted by CHAIR KERANS, pp 1 B - SB 18: Proposed amendment submitted by CHAIR KERANS, pp 1 C - SB 967: Hand engrossed version submitted by SENATOR SHOEMAKER, pp 1 D - SB 792: Proposed amendment submitted by staff, pp 2 E - SB 704: Informative material submitted by ISHAM, pp 1 F - SB 655: Proposed amendment submitted by BENNETT, pp 2 G - SB 862: Proposed amendment submitted by CHAIR KERANS, pp 1 H - SB 862: Hand engrossed version submitted by CHAIR KERANS, pp 1 I - SB 732: (-3) amendments submitted by AWPPW, pp 2 J - SB 1206: Written testimony submitted ORA, pp 2 K - SB 733: Hand engrossed version submitted by staff, pp 2

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