

WORKERS' COMPENSATION  
MANAGEMENT-LABOR ADVISORY COMMITTEE  
**Full Committee Meeting**

May 12, 2023  
10:00 a.m.-12:00 p.m.

***Committee Members Present via Zoom:***

Scott Strickland, Sheet Metal Workers Local #16  
Sara Duckwall, Duckwall Fruit  
Jill Fullerton, Clackamas County Fire Department  
Ryan Hearn, Roseburg Forest Products  
Margaret Weddell, Labor Representative  
Marcy Grail, IBEW Local 125  
Tammy Bowers, May Trucking  
Matt Calzia, Oregon Nurses Association  
Andrew Stolfi, DCBS Director, *ex officio*

***Excused:***

John McKenzie, JE Dunn Construction  
Patrick Priest, Citycounty Insurance Services

***Staff:***

Cara Filsinger, MLAC Committee Administrator  
Baaba Ampah, MLAC Assistant

<b>Agenda Item</b>	<b>Discussion</b>
Opening (00:00:00)	Scott Strickland introduced himself and called the meeting to order.
(00:00:13)	Cara Filsinger called the roll of members, and Scott Strickland shared a brief affirmation. He then introduced and welcomed new member Ryan Hearn. Scott Strickland presented the minutes from both March 17 <sup>th</sup> and March 31 <sup>st</sup> meetings. Sara Duckwall made a motion to approve both sets of minutes as presented, and Matt Calzia seconded the motion. The motion passed unanimously with a vote of seven in favor, no opposition, no abstention and three excused (Marcy Grail, John McKenzie, and Patrick Priest).
<b>Department Updates</b>	
(00:03:03)	<b>Workers' Compensation Board case law updates – quarterly report</b> Cara Filsinger announced that <a href="#">Workers' Compensation Board quarterly litigation report</a> had been sent out along with other meeting materials. She then opened the floor for further discussion or questions. Robert Pardington,

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Workers' Compensation Board, commented that he had nothing to add to the report.

(00:03:49) Sara Duckwall inquired about the notice of closure on the Adam F. Bruce case dated February 22<sup>nd</sup>, 2023. She questioned why the notice was issued and requested more information as the document appeared to lack details. Robert Pardington responded that he currently did not have any additional information and asked if there was something specific she would like him to investigate. Sara Duckwall expressed her curiosity regarding what happened during the interim in providing the recommendations for Adam F. Bruce. She continued that it seemed like the notice of closure was premised on the worker's lack of treatment but the document lacks details. Cara Filsinger asked Robert Pardington to share the order since it has more details than the summary that was provided to the members.

(00:06:40) Margaret Weddell recommended to Sara Duckwall that the board website contains more comprehensive findings of the cases, which provide better explanation for the reasoning. Robert Pardington shared the [link](#) to the order in the meeting chat .

(00:07:10) Marcy Grail and Andrew Stolfi were noted as present.

**Workers' Compensation Division (WCD) rulemaking update**

(00:07:34) Cara Filsinger announced that currently, there are no updates to share. However, there will be updates during next month's meeting once they have a clearer understanding of what legislation the division might be implementing.

**SB 533 (2013) MCO report on "come along" providers**

(00:08:03) Sally Coen, WCD Administrator, reported that the [Managed Care Organization \(MCO\) report on "come along" report](#) had been sent out to the members. She further explained that under certain conditions, an injured worker can request to bring along their own provider to the MCO. The law was changed by SB 533 in 2013, requiring that MCO's report to the director when they have terminated or denied a "come along provider". This information is compiled and reported to MLAC annually. Sally Coen stated that the memo lists the details MCOs are required to report, this includes the provider type, the number of workers affected, when the denial or termination is issued, and the specific reasons. She shared that this year, all of four certified MCOs in Oregon reported to WCD that there was one termination in geographic service area 5 (Salem). Sally Coen continued that the provider was terminated because they failed to comply with MCO's terms and conditions after being granted "come along" status. Sally then opened the floor to any questions.

(00:09:53) Scott Strickland asked if there was a report on the number of workers utilizing "come along" providers. Sally Coen replied that there is no report of that. Scott further asked if there was a trend developing in an increase or decrease in

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denials of “come along” providers. Sally responded that it has been remained fairly steady, with last year’s reporting being zero. She added that over that past few years, it has fluctuated between one, two or three denials, indicating a historically very low pattern.

**HB 3412-B**

(00:11:07) Cara Filsinger provided an update on [HB 3412](#), which is the physician assistant bill. She stated that an update was promised during the last meeting due to conceptual amendments. The actual amendment was sent out with meeting materials, and the final version of the [bill](#) is linked on the agenda. Cara continued that certain sections were changed so that physician assistants line up with nurse practitioners, based on the recommendations from MLAC. She concluded that the bill is currently awaiting the governor’s signature. She also noted that Nick Haskins from OSPA is present to address any questions.

**Workers’ Benefit Fund Program Updates**

(0:12:33) Cara Filsinger noted that, following the previous meeting, the co-chairs requested a more detailed presentation of the Workers’ Benefit Fund programs, as it is required for review on a regular basis. Cara Filsinger then introduced Charity Steffen, manager of WCD’s Employment Services Team.

(00:13:18) Charity Steffen, WCD’s Employment Services Team Manager, gave a presentation on [Oregon’s Return to Work Programs](#).

(00:25:53) Scott Strickland asked Charity Steffen that since the equipment purchased through the Employer-at-Injury program (EAIP) becomes the property of the employer, do the clothes purchased for the employee become the property of the employee. Charity Steffen confirmed that the workers get to keep the clothes.

(00:34:36) Scott Strickland asked if there were any requirements to preserve the same or better wages and benefits package with the new position or job duty. Charity Steffen responded that there is no such requirement, and it is up to the worker to decide if they want to accept the new position or not. Most of the time, the program modifies a current position to facilitate the return to work. When a new position is created, the wage subsidy serves as an incentive to make sure that people are coming back to work at or sometimes even above the original wage. Charity Steffen acknowledged that it was a good question, but it is not something that comes up often. She mentioned that there are plenty of incentives, as demonstrated by the example given earlier about the flatbed truck. The flatbed truck cost was higher than what the program would allow. However, the employer was excited about using the money to put towards the modification in the new job, which resulted in efficiency for the workers. She concluded that there are several of incentives to ensure workers are at or above their original wage.

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- (00:36:16) Scott Strickland asked if there is any data that delineates the wage and benefit package before and after the program is implemented. Charity responded that they do not track such data, but she can look into it after the meeting.
- (00:36:52) Charity Steffen expanded that the wage subsidy employers can receive through the program is up to \$40,000. So once a Preferred Worker has been designated as a Preferred Worker, they can offer up to \$40,000 to the employer. She continued that the employer has one full access to the program, but it doesn't affect the worker's access to the program. As an example, she stated that if a worker returns to an employer at injury and the employer later goes out of business, the worker still has full access to the program and can continue using it when transitioning to a new employer for the rest of their career.
- (00:38:14) Sara Duckwall commented that these are wonderful benefits and then asked what the best methodology is for obtaining the program. Charity answered that the Employer at Injury Program (EAIP) is employer-initiated. Once a worker receives a modified work release, insurers are required to notify the employer alerting them about the available benefits. She noted that the difference between the Employer at Injury program and the Preferred Worker Program is how it is administered and accessed. EAIP is administered through the insurer with a lot of communication between the employer and the insurer. Charity Steffen continues that the division is diligently looking for opportunities to educate the insurers on the best way to access the program and to inform new employers about the benefits. She explained that the Preferred Worker Program unit consists of a small team with four consultants handling worksite modification and creation, along with three and a half re-employment specialists that administer the program through employment purchases, premium exemptions, benefit wage subsidy, and more. Together, they conduct monthly outreach events in addition to other events throughout the year. Charity stated that this education includes offering CEUs to the insurers to increase their understanding of the programs. Qualifying stakeholders are notified about the events, alerting them about the benefits it includes. Additionally, when a person is eligible, they automatically receive a card in the mail from the division, notifying them of their eligibility and providing a brief overview of their benefits. She concluded that the team is actively connecting to workers and educating them about their benefits.
- (00:41:55) Ryan Hearn commented that an injured worker at his company went through the Preferred Worker Program, and it was an amazing experience. He mentioned that there are many consultants that help through every step. He concluded that it is an incredible program, stating that he loves it. Charity Steffen thanked Ryan for the comment and noted how passionate her team is about the program. She commended her team for their commitment to the program and emphasized the program's success in helping many workers.
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(00:43:55) Scott Strickland inquired what the biggest barriers are to not having more participation. He sought clarification on whether there is pushback from insurers or employers who are afraid of the program, as well as from workers who are not interested in utilizing the program. Charity Steffen explained that one of the biggest problems is that a lot of the workers are unemployed, making it difficult to bridge the gap between the unemployed workers and the employers who wants to access the benefits. To address this, the team has a partnership with Oregon Employment Department, allowing workers to create a profile on the Employment Department's website and indicate that they are a Preferred Worker. Employers can then query their search by Preferred Workers when there is a job opening. However, there is an issue with some people who are not Preferred Workers incorrectly checking the box indicating that they are Preferred Workers when they are not, which can discourage employers. Charity Steffen furthered that establishing a profile on the Employment Department's website can also be a long overwhelming process for some people.

Charity Steffen stated that some employers are hesitant to use the program because the programs are from a government agency. They are concerned that the program might regulate their worksite due to safety requirements or access their payroll information. She clarified that that is not the intent of the programs, and that the programs are to strictly administer the benefits suitable for reemployment. The team does not get involved in the employer-employee relationship at all. She gave an example that if an employer hires a Preferred Worker or if they receive a wage subsidy, there is no specific employment obligation or repayment requirements. The intention is to hire a person who is a good fit and creates positive, healthy working relationship. The programs do not require specific employment criteria, but expects that the employer treats the Preferred Worker just like any other worker. Charity Steffen concluded that the programs should not be a barrier to any business but to rather grow its success, efficiency and safety.

(00:48:18) Jill Fullerton commented that it is a good program and then asked that since the application process is identified as a barrier to injured workers, are there any steps to try to simplify the process. Charity Steffen clarified that there is no application to be a part of the Preferred Worker Program. The application she was referring to earlier was to get a profile with the Employment Department to use their Work Source program which is different from the Preferred Worker Program. She continues that they do work with Employment Department a lot, but the worker does not do anything to be eligible for the program. An injured worker is eligible through a notice of closure, once there is a modified work release, then a card will be sent to the worker notifying them of their benefits. Jill thanked Charity for the clarification.

(00:49:54) Charity Steffen ended her presentation and thanked everyone.

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(00:50:02) Cara Filsinger noted that in the [presentation](#), the second to last slide has a video that details another worker’s story.

Cara reminded members that there might not be a meeting on May 26<sup>th</sup> and the next meeting will be in person on Thursday, June 8<sup>th</sup>. She continued that new member Ryan Hearn will be there, alongside another new member who will be replacing Jill Fullerton.

(00:51:16) Scott Strickland thanked Jill Fullerton for all her contributions and highlighted some of her accomplishments in MLAC. Jill Fullerton shared that MLAC has been a learning opportunity and that she has learned to become a better advocate for people in the workplace. She continued to thank everyone on the board for the experience and encouraged them to continue doing good work. Tammy Bowers joined in thanking Jill and wished her well off.

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**Meeting** Scott Strickland adjourned the meeting at 10:53 a.m.  
**Adjourned**

\*These minutes include time stamps from the meeting audio found here:  
<https://www.oregon.gov/dcbs/mlac/Pages/2023.aspx>

\*\*Referenced documents can be found on the MLAC Meeting Information page here:  
<https://www.oregon.gov/dcbs/mlac/Pages/2023.aspx>