

Oregon's Workers' Compensation System



**CHAT WITH THE OREGON OMBUDSMAN
FOR INJURED WORKERS**

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Dept of Consumer & Business Services**

The Workers' Comp system...



- Subject workers / subject employers
 - Exclusive Remedy
 - Medical Providers
 - Insurers and Service Companies
 - Workers' Comp Division & Board
 - Attorneys
 - WC Ombudsmen

Claim Process

from injury to closure



- Filing a claim
- Medical treatment
- Wage replacement
- Return to work
- Permanent disability
- Claim closure & Settlements

The Workers' Comp Claim Process...



- **Filing a claim**
 - Incident vs Claim
 - Injury vs Occupational Disease
 - Non-disabling vs disabling classification
 - Acceptance / Denial
- **Medical treatment**
 - Choice of attending physician
 - Managed Care Organizations
 - Prescriptions

The Workers' Comp Claim Process...



- **Wage replacement**
 - Wage at injury calculation
 - Hired through Hiring Hall
- **Return to work**
 - Modified work
 - Temporary vs permanent restrictions
 - Employer –at-Injury Program & Preferred Worker Program
 - Vocational Rehabilitation Services

The Workers' Comp Claim Process...



- Medically Stationary
- Notice of Closure
 - Permanent disability
 - Claim 'closure' – what now?
- NOC appeal process
- Aggravation Rights
- Board's Own Motion

Litigation & Settlements



- **Dispute Resolution / Appeals**
 - WCD (Recon/Med/Voc/Sanctions)
 - WCB – Hearings & Board Review
 - Court of Appeals & Supreme Court
- **Settlements**
 - Disputed Claim Settlement (DCS)
 - Claim Disposition Agreement (CDA)

Creation & Purpose of the Ombudsman



- 1987 – ORS 656.709 Ombudsman Office created
- Appointed by DCBS Director, with Governor's concurrence
- Act as an advocate for injured workers
- Provide information to enable workers to protect their rights
- Quarterly report to the Governor

Office of the Ombudsman for Injured Workers



- Ombudsman
- 2 – Senior Assistant Ombudsmen
- 3 – Assistant Ombudsmen

- Approximately 700 monthly inquiries
1-800-927-1271
oiw.questions@oregon.gov

OIW Liaison with CDAs and Fatal Injuries



- **CDA coordination with WCB**
 - 30 day cool
 - Unrepresented workers
- **Fatal Injuries**
 - Worker's family
 - Oregon OSHA
 - Insurers & Service Companies
 - Funeral directors
- **Scholarship Programs**
 - Workers' Memorial Scholarship (ORS 654.200)
 - Kids' Chance of Oregon

Advisory and Outreach



- Presentations
 - Labor, Employers, Industry, etc
- Rule advisory committees
- Management-Labor Advisory Committee
- Medical Advisory Committee
- Governor & Legislators
- Other agency
 - BOLI, DHS, OHP, OVRS, etc...



Questions?