

**WORKERS' COMPENSATION  
MANAGEMENT-LABOR ADVISORY COMMITTEE**

**Full MLAC Meeting**

November 30, 2015

1:00 p.m. – 3:00 p.m.

***Committee Members Present:***

Guy Boileau, Louisiana-Pacific Corporation, Portland  
 Tammy Bowers, May Trucking  
 Jim Denham, ATI, Albany  
 Carol Duncan, General Sheet Metal, Clackamas  
 John Mohlis, Oregon Building Trades Council, Portland  
 Lynn McNamara, CityCounty Insurance, Salem  
 Ben Stange, Polk County Fire District No.1, Independence  
 Theresa Van Winkle, MLAC Committee Administrator

***Committee Members Excused:***

Aida Aranda, Oregon & Southern Idaho Laborers-Employers Training Trust, Corvallis  
 Patrick Allen, DCBS Director, *ex-officio*

<b>Agenda Item</b>	<b>Discussion</b>
<b>Opening</b> (0:00:00)	John Mohlis opened the meeting at 1:03 p.m. He announced the meeting minutes review will be held over until the next meeting.
<b>Introduction to Kids' Chance Oregon</b> (0:00:31)	Sheri Sundstrom (board member) and Jennifer Flood (secretary) of Kids' Chance of Oregon, Update on Kids Chance program in Oregon. Outlined the organization's mission and recent activities. John Mohlis asked about source of funding for the organization. Ms. Sundstrom said they get donations from private citizens as well as funding from the national Kids Chance organizations. Ms. Flood said the organization is a 501(c)(3) corporation so donations are tax deductible. Mr. Mohlis suggested they contact the Governor about doing a proclamation.
<b>Oregon Institute of Occupational Health Sciences annual report</b> (0:09:25)	<p>Dr. Steven Shea, PhD, Director of the Institute provided an overview of the mission and funding of the Institute (see <a href="#">presentation</a>). He provided the committee copies of the Institute's 2014 annual report (contact MLAC committee staff for a copy)</p> <p>Dr. Kent Anger, PhD, described the Oregon Healthy Workforce Center's activities and recent project work (see <a href="#">presentation</a>). He requested MLAC support for their ongoing grant request.</p> <p>Dr. Leslie Hammer, PhD, introduced herself as new staff at the Institute, as well as Portland State University. Her area of expertise is work/life</p>

	<p>integration and she provided examples of her work.</p> <p>Theresa Van Winkle discussed the letter of support requested by the Institute. She will forward the draft letter to the MLAC members for their review.</p>
<p><b>Department Updates – Report on Worker Benefit Fund per 656.790(3)</b> (0:44:19)</p>	<p>John Shilts, Administrator, Workers' Compensation Division provided a report on Worker Benefit Fund as required by ORS 656.790(3). The annual report is <a href="#">here</a>. Mr. Shilts reviewed current revenue and expenditures from the fund. Ben Stange asked about the reimbursement level for wage subsidies provided by the Employer at Injury program. Mr. Shilts indicated some of the changes were made to address changes in the worker benefit fund assessment rates.</p> <p>Mr. Stange asked what the impact would be if the reimbursement returned to 50% of wages. Mr. Shilts indicated there would be an impact, but he would get back to the committee.</p> <p>Carol Duncan asked a question about “other income” revenues coming in to the fund from the self insured costs. Mr. Shilts indicated that he believes the increase in revenue is due to hours worked, not a fund transfer, he will get back to the committee</p> <p>Tammy Bowers asked about the fund balance requirements and whether it should be six or twelve months. Mr. Shilts indicated the legislature authorized the fund to go to six months, but that we are well over that amount at this time. He outlined historic reasons for the fund balance requirement and the impact on the fund’s assessment rate.</p> <p>Lynn McNamara asked if there is an actuarial report on the total amounts due on the self-insured group issues. Mr. Shilts indicated that there is a report, and that the reimbursements are currently in line with the original \$10 million cost estimate.</p> <p>Mr. Mohlis indicated that 13 month fund balance is prudent.</p>
<p><b>Department Updates – Employer rates for 2016</b> (01:09:30)</p>	<p>Mr. Shilts provided an update on the employer rates for 2016 (see <a href="#">handout</a>). Pure premiums are expected to decrease on average 5.3 percent. The assessments that fund the department’s regulatory activities will remain the same as 2015.</p>
<p><b>Department updates - Implementation of 2015 legislation</b></p>	<p>Mr. Shilts discussed implementation of 2015 legislation (see <a href="#">handout</a>). He reviewed passed bills and the implementation steps taken by the department.</p>

(1:17:40)	
<b>Department updates – Schleiss/Brown data updates</b> (1:22:42)	Ms. Van Winkle noted that there are no new data updates on the Schleiss/Brown court cases. This agenda item will carry over to the next full MLAC meeting.
<b>Workers’ Compensation Board update</b> (1:23:03)	Roger Pearson, Managing Attorney for the Workers’ Compensation Board, provided an update on recent Court of Appeals and Supreme Court decisions, along with other noteworthy board decisions. See memo <a href="#">here</a> . Guy Boileau asked about the timing of the court’s deliberations on the <i>Brown</i> case. Mr. Pearson said it is not unusual for the court to take a bit of time to decide these types of cases.
<b>Presentation of legislative concepts for 2016</b> (1:42:38)	<p>Ms. Van Winkle said that the Senate Business and Transportation Committee will sponsor a bill to extend the MLAC member terms of office from two years to three years. There has been some discussion about whether the terms should be three or four years.</p> <p>Ms. Van Winkle indicated that there will be a bill from the Chiropractic Association of Oregon (similar to HB 2032 from 2015 session) regarding workers’ right to treat with medical providers. The concept has not yet been drafted.</p>
<b>Interim MLAC Work Plan Discussion</b> (1:44:55)	<p>Ms. Van Winkle reviewed the items on the MLAC's interim committee topics that will be discussed by the committee in the 2015-2016 interim and the subcommittee process.</p> <p>Ms. Van Winkle described the two interim subcommittees. The first is Counseling Services for Injured Workers (see summary <a href="#">here</a>). The Medical Advisory Committee would like to join the discussion. Ms. Van Winkle indicated there can be participation and discussion by any interested party, but the MLAC members would forward any recommendations to the full committee. John Mohlis will chair the subcommittee.</p> <p>The second subcommittee is regarding Independent Medical Examinations (see summary <a href="#">here</a>). Guy Boileau will chair the subcommittee.</p> <p>Mr. Stange clarified the subcommittee recommendations would be for the 2017 session. Ms. Van Winkle indicated that is correct. Mr. Boileau encouraged members to volunteer to serve on subcommittees.</p>
<b>Meeting Adjourned</b> (1:58:14)	Mr. Mohlis adjourned the meeting at 3:03 p.m.

\*These minutes include time stamps from the meeting audio found here:

<http://www.oregon.gov/DCBS/mlac/Pages/2015.aspx>

\*\*Referenced documents can be found on the MLAC Meeting Information page here:

<http://www.oregon.gov/DCBS/mlac/Pages/2015.aspx>