



Oregon

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MLAC and MAC Review of Counseling Services for Injured Workers

Background

HB 3026 (2015) requested a task force to study the need for and process for providing counseling services to injured workers. The bill was requested by the Oregon Association of Orthopedic Surgeons. The bill said the task force should:

- Study the need for and process for providing counseling services for injured workers suffering from conditions such as situational anxiety or depression that are not part of an accepted workers' compensation claim. Part of this issue was situational anxiety and depression in workers because they were having adjustment difficulties with new, reduced physical capacities or disability.
- Recommend legislation to allow necessary treatment of situational anxiety and depression that may improve chances of an injured worker returning to work or shorten a worker's time away from work.
- Address the provision of counseling services in a manner that ensures the integrity of the workers' compensation system in this state.

The bill did not prescribe a specific outcome from the task force study. However, in the discussions leading up to the introduction of the legislation, and in the testimony on the bill, proponents of the concept indicated interest in requiring payment for counseling for injured workers for situational anxiety or depression but that the conditions would not become part of the accepted claim. In some discussions the recommendation was to provide the services only in claims open more than 90 days.

In lieu of making a recommendation about the specific legislation, MLAC agreed to convene a discussion in the interim, to include interested parties and the Medical Advisory Committee.

Current situation

Injured workers may currently request counseling services for situational anxiety or depression as part of their claim, but there can be hesitance to make this claim. There may also be concern from insurers to provide the services out of concern that it "opens the door" to greater claims exposure and long term claim costs.

Most workers' compensation claims are resolved fairly quickly but there are some complex cases that may result in a worker's claim being open for an extended period. Although providing counseling services could increase claim costs, it is possible that providing these services may also shorten claim duration if they help the worker successfully work through the resolution of their claim.

The department does not have extensive data on this subject. We may have some medical billing data to illustrate how many workers have mental health services paid for in an accepted claim. We do have data to illustrate the duration and severity of disabling claims, but little or no information about denied, non-disabling, or CDA claims. Some of the [testimony](#) cited in the public hearing on the bill included references to studies about mental health and injured workers. The Institute at OHSU may be able to assist with gathering additional information on this topic.

Proposed MLAC / MAC discussion

Given the minimal guidance provided under the bill, and the variety of opinions about what should or should not be considered part of a workers' compensation claim, the preliminary discussions on this idea may need to start with a roundtable discussion to scope out the problem. The proponents of the initial bill could present their issue, and then open it up to more discussion. We would want to ensure a broad audience was invited to the conversation, such as:

- mental health and counseling professionals
- medical providers (including MAC members who raised this issue)
- injured worker representatives
- insurer and self-insured employers
- interested legislators

The conversation could be helped by presenting a discussion document or proposal for the parties to focus on.