

**MINUTES OF THE WORKERS' COMPENSATION SECTION
EXECUTIVE COMMITTEE
February 10, 2017**

I. CALL TO ORDER

Chair Jenny Ogawa called the Executive Committee (EC) to order at 12:07 PM.

EC Committee members attending or absent were:

Exec Board Member	Present in Person	Present by Phone	Absent	Comments
Bohy, Ronald	X			
Caldwell, Kate	X			
Chen, Bin		X		
Conratt, Linda	X			
Dibartolomeo, Joe			X	
Fisher, Martin			X	
Frost, Christine		X		
Garrow, Phil	X			
Harrell, Tom	X			
Lesh, Allison			X	
Ogawa, Jenny	X			
Olney, Kathryn	X			
Oswald, John	X			
Patrick, Jovanna		X		At 12:25
Semple, Keith		X		
Smith, Bruce		X		
Wren, Geoffrey			X	
TOTAL	8	5	4	

II. MINUTES

The January minutes were approved.

III. CHAIR REPORT

New DOJ Liaison

Chair Ogawa reported that the new DOJ liaison is Katharine von Ter Stegge.

Bench Bar Forum/October EC Meeting

Bench Bar Forum is scheduled for 10/20/2017 and so the October EC meeting will occur on that date at the Salem Convention Center.

Member Terms Ending in 2017

A number of EC member terms will end in December. Tom Harrell, Ron Bohy (Treasurer) and Kathryn Olney have terms ending and do not wish to renew. Christine Frost's term is ending and she wishes to renew. Allison Lesh, Joe Dibartolomeo, Martin Fisher and Jovanna Patrick have terms ending in December, but were not present to indicate whether they wish to renew. Chair Ogawa will ask the nominations committee to come up with nominations for next year.

It was also noted that Martin Fisher recently became a defense attorney, which puts the EC temporarily out of balance. This will be taken into consideration when nominations are made.

IV. TREASURER REPORT

There was no Treasurer report from Ron Bohy as the OSB has not put out its final December or January numbers yet.

V. COMMITTEE REPORTS

A. Professionalism Award

Tom Harrell reported that there were five responses and two nominees -- Dale Johnson and Roger Pearson. The EC will vote in March and will need 2/3rds of the committee present.

Kathryn Olney brought up an issue regarding nominations for this award. She has anecdotal evidence that people might be hesitating to nominate others due to reluctance to compete with someone already nominated and because of the mistaken impression that the award needs to rotate evenly from defense to claimant to state members. The committee agreed that a brief presentation at Salishan to address the criteria for nominations and remind section members of the timelines involved would be useful.

B. Access to Justice

Bin Chen reported that the Access to Justice committee's last meeting was on 1/23/17 and that topics included the translation of written evidence issue. Bin Chen

made a motion to allow the Access to Justice to approach WCB about this issue and request that they do an internal review under current statutory authority to assess whether a new rule is necessary. The Board would then draft a rule if they felt it was needed. Phil Garrow seconded the motion. The motion passed.

Access to Justice is also working on the following issues:

- Whether the current MCO rules create access to medical care issues. The committee is looking at whether MCO lists are up to date and whether the doctors listed are actually willing to take on workers' compensation patients.
- Bin Chen and Dave Runner are reviewing the new proposed time loss calculation rules to see if they create any ambiguities or barriers to workers.
- Whether translators are available and paid for by the insurer as part of the investigative interview.

Bin Chen reported that the Access to Justice committee is currently out of balance and needs more defense members. Chair Ogawa will contact Jill Riechers with the Nominations Committee.

C. Salishan

No report.

D. Bench Bar Forum

Katie Krametbauer is new co-chair and Kevin Barrett will be transitioning off this committee. This year's Bench Bar is scheduled for 10/20/2017 at the Salem Convention Center.

E. Going Forward

John Oswald reported that this committee met on 1/23/2017. In the past, Steve Schoenfeld and Larry Schucht have done a "Nuts and Bolts" CLE, but this year they plan to put together a reception.

Ron Bohy asked for a specific plan with estimated costs in order to determine whether the section can contribute financially. Ron Bohy also reminded the Going Forward committee that section funds cannot be used to purchase alcohol. EC members suggested that the Going Forward committee consider getting law firms to co-sponsor the event, reaching out to the Young Lawyers section and perhaps the law

schools for promoting or providing event space for the reception. Chair Ogawa will check with the WCD about whether they want to participate, given the interest they have expressed in co-sponsoring CLEs.

F. Legislative and Rules

Keith Semple reported that MLAC is meeting frequently and their website has summary of all bills introduced and what progress has been made on each.

Chair Ogawa listed several current bills that have workers' compensation relevance:

- HB 2336 – Permits Director of DCBS to appoint claims processing agent for self-insured employer or self-insured employer group that defaults or cancels employer's or group's certification or that director decertifies.
- HB 2441 – Provides that employee of public employer is liable to employer for wages paid to employee during period of administrative leave if employee was placed on leave as a result of allegation that employee engaged in criminal conduct and if employee is thereafter convicted of crime by reason of conduct.
- HB 2646 – Provides hours of service credit for vesting purposes and retirement credit to member of Oregon Public Services Retirement Plan who receives workers' compensation disability payments and subsequently is reemployed by any participating public employer.
- SB 607 – excludes sick leave pay from definition of "payroll" for purposes of workers' compensation calculations.

Bruce Smith also noted HB 2337 which deals with permanent disability benefits. The aim of this bill is to increase workers' compensation benefits for permanent total disability and permanent partial disability. Under the current statutes, permanent total disability benefits can sometimes be lower than temporary total disability benefits.

Chair Ogawa questioned whether we should ask Public Affairs to track all bills that MLAC has before them. Keith Semple did not think this was necessary. He and Bruce Smith monitor the bills and their committee is better able to assess what is relevant to the section.

G. New Technologies/Communications

No report.

H. Nominations

No report.

VI. OLD BUSINESS

Chair Ogawa noted that the current section website provides a link to a “member directory” but just links back to the full OSB directory. She wants to know whether it would be possible to link to a directory that only listed Workers’ Compensation Section members. Chair Ogawa will contact Anna Zanolli (azanolli@osbar.org, 503-431-6414), the OSB’s Creative Services Manager, regarding this.

Before the OSB took over the website hosting and design, Kathryn Olney and Linda Conratt were on the EC subcommittee that was going to work on content for the section’s website. Chair Ogawa asked them to take a look at current website to see if there is anything that should be added to its content. .

VII. NEW BUSINESS

None.

VIII. ADJOURNMENT AND NEXT MEETING

The EC meeting adjourned at 12:57 PM.

The next meeting will be March 10, 2017 at the OSB offices. It is important that as many members as possible attend because we will be voting on the recipient of the Professionalism Award.