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## Meeting Minutes

### Oregon Workers Compensation Review & Advisory Committee

Agenda Tracking No.: OR-01-2022

Prepared by: Michael Craddock, NCCI, Inc.

Date of Meeting: January 11, 2022

Location of Meeting: This meeting was conducted via WebEx and teleconference only.

<b>Committee Member</b>	<b>Representing</b>	<b>Voting? Y/N</b>	<b>Present? Y/N</b>	<b>Substitute</b>
David Waki	Dept. of Consumer & Business Services, Labor & Industries	N	Y	
David Dahl	Dept. of Consumer & Business Services, Labor & Industries	N	Y	
Jeff Rasmussen	County Administrative	Y	Y	
Gene Rappe	CNA Insurance	Y	Y	
Ed McKenney	Gem Equipment	Y	Y	
Eddie Herrera	Liberty Mutual Insurance	Y	Y	
Michele Summerlin	SAIF Corporation	Y	Y	
Steve O'Connell	Travelers Insurance	Y	Y	

Others in Attendance:

<b>Name</b>	<b>Representing</b>
Todd Johnson	National Council on Compensation Insurance
Michael Craddock	National Council on Compensation Insurance
Lesley O'Brien	National Council on Compensation Insurance
Robin Regester	National Council on Compensation Insurance
Kevin Green	National Council on Compensation Insurance
Linda Bello	National Council on Compensation Insurance
Christina Murphy	National Council on Compensation Insurance
Jennifer McKenney	National Council on Compensation Insurance
Caitlin Breitbach	Small Business Ombudsman Office
Aaron Fellman	Workers Compensation Division
Clyde Rapozo, Jr.	Liberty Mutual Insurance
Ryan Jones	Liberty Mutual Insurance
Jaye Fraser	SAIF Corporation
Jamie Powell	SAIF Corporation
Brian Murphy	SAIF Corporation
Brittnie Holland	SAIF Corporation
Tyfani Maitland	SAIF Corporation
Jessica Sims	SAIF Corporation
Kevin Barnett	SAIF Corporation
Anne Williams	SAIF Corporation

Time	Issue	Resolution
9:30 a.m.	<p><b>Item P-1419. Revisions to the Premium Due Date Endorsement.</b></p> <p>NCCI staff presented this proposed item filing for the Committee’s review and action. This item revises the Premium Due Date Endorsement in NCCI’s <i>Forms Manual of Workers Compensation and Employers Liability Insurance (Forms Manual)</i>. The item filing would be effective to new, renewal and outstanding policies.</p> <p>In discussing the proposed filing, concern was raised over the application of the proposed wording to outstanding polices. There was concern over the cost and possible policyholder confusion for outstanding policies. After further discussion, a motion was made to approve the filing in Oregon for new and renewal policies only.</p>	<p>A motion was made, seconded, and passed by majority vote, and it was <b>RESOLVED</b>, that Item Filing P-1419 be approved as presented for new and renewal polices only.</p>

Time	Issue	Resolution
9:50 a.m.	<p><b>Item E-1408. Revisions for New York Withdrawal from the NCCI Interstate Experience Rating Plan.</b></p> <p>NCCI staff presented this proposed item filing for the Committee’s review and action. This item revises the references to New York regarding participation in the NCCI interstate experience rating plan. New York will no longer participate in the Interstate Rating Plan and the filing reflects the New York decision.</p>	<p>A motion was made, seconded, and passed by majority vote, and it was <b>RESOLVED</b>, that Item Filing E-1408 be approved as presented.</p>

Time	Issue
10:15 a.m.	<p><b>Test Audit Discussion</b></p> <p>The new OAR for WC Test Audits became effective on July 1, 2019. This was an opportunity to hear stakeholder’s overall thoughts, questions, and concerns regarding the Oregon WC Test Audit program. Two concerns were raised during the discussion:</p> <ul style="list-style-type: none"> <li>• When ownership changes are not reported in a timely fashion or an ERM-14 form is not returned, the carrier is unable to make changes to the policy regarding ownership. A test audit may identify the change prior to the carrier being informed. This may lead to an error being reported but the carrier may not make the change without proper documentation from the policyholder.</li> <li>• A carrier may make a determination regarding the status of a subcontractor, employee, or independent contractor, at audit. Would there be an error reported if the test audit determined an employment status that was different than the carrier? According to NCCI staff, the test audit will attempt to follow the determination of employment status as made by the carrier.</li> </ul>

Time	Issue
10:45 a.m.	<p data-bbox="318 281 483 308"><b>New Business</b></p> <p data-bbox="318 352 1024 380">Two new business items were presented to the Committee.</p> <p data-bbox="318 424 1484 489">Aaron Fellman, a policy analyst with the Oregon Workers Compensation Division, provided a quick overview of legislative changes effective January of 2022.</p> <ul data-bbox="367 533 1495 848" style="list-style-type: none"> <li data-bbox="367 533 1495 632">• HB 3188 changes the definitions of "employer" and "worker" for purposes of workers' compensation law. The statute changes the total labor cost at which employment is casual from \$500 to \$1,000.</li> <li data-bbox="367 642 1495 741">• HB 2039 concerns record keeping. The bill provides that records of workers' compensation claims may be at a location outside of the state if the records are made available to the Department of Consumer and Business Services at a location inside the state.</li> <li data-bbox="367 751 1495 848">• HB 2040 permits the Director of Department of Consumer and Business Services to specify by rule methods for reporting claims, denials of claims and closures of claims related to workers' compensation cases.</li> </ul> <p data-bbox="318 892 1503 1131">David Waki, ORAC Chair and the Small Business Ombudsman, provided an update on the Oregon Employer-At-Injury-Program (EAIP). The Employer-at-Injury Program encourages the early return to work of injured workers by helping lower an employer's early return-to-work costs and claim costs. The insurer helps the employer develop transitional work and request reimbursement for its costs. A carrier may make reimbursement requests for all costs of the program, including a one-time administrative fee of \$180. The administrative fee of \$180 has been increased from \$120 which is a 50% increase. All carriers were encouraged to take advantage of the EAIP for injured workers.</p>