

SB 1585 A STAFF MEASURE SUMMARY**Carrier:** Rep. Smith Warner**House Committee On Business and Labor****Action Date:** 02/23/22**Action:** Do Pass the A-Eng bill.**Vote:** 11-0-0-0**Yeas:** 11 - Bonham, Boshart Davis, Bynum, Cate, Evans, George, Grayber, Holvey, Salinas, Smith Warner, Witt**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Tyler Larson, LPRO Analyst**Meeting Dates:** 2/21, 2/23**WHAT THE MEASURE DOES:**

Directs the Department of Consumer and Business Services (DCBS), the Oregon Employment Department (OED), and the Oregon Health Authority (OHA) to enter into an intergovernmental agreement to share information necessary to enable DCBS to inform beneficiaries of their rights to workers' compensation death benefits.

Requires the shared information to be the minimum necessary to inform beneficiaries of their rights. Limits the shared information to deaths from COVID-19 workplace outbreaks. Limits the data to rights of beneficiaries that arise before the state of emergency as declared by the Governor and subsequently extended is no longer in effect. Requires DCBS, in consultation with OED and OHA, to submit a report to the Legislative Assembly by December 15, 2022 describing the implementation of the intergovernmental agreement. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Current process for notifying the family of a deceased worker of workers' compensation death benefits in the event of a workplace fatality
- Failure of current notification process to capture workplace fatalities that result from a workplace outbreak of COVID-19
- Need to connect appropriate agency data to ensure notice of workers' compensation death benefits is given to qualifying families

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under Oregon's Workers' Compensation plan, the surviving spouse, children, and other eligible dependents of a deceased worker who was accidentally injured at the workplace may receive benefits including the cost of final disposition of the deceased's body and funeral expenses. A surviving spouse may receive monthly benefits until the surviving spouse remarries. A surviving child under the age of 19 may receive benefits until that child reaches 19 years of age, and children or dependents between the ages of 19 and 26 years of age at the time of the deceased's death also may receive benefits. The amount of the death benefit is based on the average weekly wage for the state, as determined by the Oregon Employment Department, for the last quarter of the calendar year preceding the fiscal year in which the injury occurred.

Under regulations promulgated by the Department of Consumer and Business Services (DCBS), which oversees the Workers' Compensation program through the Workers' Compensation Division, an insurer must conduct a reasonable investigation prior to denying a workers' compensation claim for workplace exposure to COVID-19. The investigation must determine whether there was likely exposure to COVID-19 that arose out of the

SB 1585 A STAFF MEASURE SUMMARY

workplace, the source of the worker's exposure to COVID-19, whether the worker did not work for a period of quarantine at the direction of a medical services provider, and whether medical services were required as a result of potential workplace exposure to COVID-19. An insurer's denial of COVID-19-related claims may be audited by the Director of DCBS.

Senate Bill 1585 A directs DCBS, the Oregon Employment Department, and the Oregon Health Authority to enter into an intergovernmental agreement to share information necessary to enable DCBS to inform beneficiaries of their rights to workers' compensation death benefits. The measure limits the information that may be shared to deaths from COVID-19 workplace outbreaks.