

## **HB 2799 A    STAFF MEASURE SUMMARY**

### **Senate Committee On Labor and Business**

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**Prepared By:** Whitney Perez, LPRO Analyst

**Meeting Dates:** 5/1, 5/6

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#### **WHAT THE MEASURE DOES:**

The measure increases the limit on witness fees, expenses, and costs for a claimant who prevails against a denial of a workers' compensation claim to no more than \$3,500 unless the claimant demonstrates extraordinary circumstances justifying payment of a greater amount. It provides methodology for adjusting the amount that may not be exceeded without demonstrating extraordinary circumstances. Amount shall be adjusted annually on July 1 by the percentage increase, if there is any, in the average weekly wage as most recently computed by the Oregon Employment Department and rounded to the nearest multiple of \$100.

**REVENUE:** No revenue impact

**FISCAL:** Has minimal fiscal impact

#### **ISSUES DISCUSSED:**

- Meaning of extraordinary circumstances
- Costs incurred by worker in disputing denial of a workers' compensation claim
- Impetus for the measure

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

Currently, if a claimant prevails against the denial of a workers' compensation claim, the court, board, or Administrative Law Judge may order payment of the claimant's reasonable expenses and costs for records, expert opinions, and witness fees. Payments for witness fees, expenses, and costs ordered are made by the insurer or self-insured employer. The payments may not exceed \$1,500 unless the claimant demonstrates extraordinary circumstances justifying payment of a greater amount.

House Bill 2799 A increases the \$1,500 limit on reimbursable attorney costs that an insurer or self-insured employer may pay if a claimant prevails against the denial of a workers' compensation claim to \$3,500.