

FAQ Workers' Compensation and the Benefit Fund Assessment

Q. Who pays the workers' compensation premium for homecare workers?

A. The Oregon Home Care Commission pays the cost of the workers' compensation premium for homecare workers in the bargaining unit.

Q. What is the benefit fund assessment, as opposed to the workers' compensation premium?

A. The benefit fund assessment is a fee that pays for return-to-work services if a homecare worker is injured on the job. Return-to-work services assist workers with returning to work as soon as possible. If a worker cannot immediately perform their current job due to physical limitations or constraints, the worker may be returned to a transitional or light-duty job. Workers' compensation premiums finance most of the benefits received by workers if they are injured or suffer an occupational disease on the job.

Q. Will there be any cost to the consumer-employer if the consumer-employer allows workers' compensation to be purchased for their homecare worker?

A. The Home Care Commission will pay for the workers' compensation premium on behalf of the consumer-employer. The consumer-employer may be charged for the benefit fund assessment in their pay-in depending upon the consumer-employer's income and how their pay-in is calculated.

- Consumer-employers on SSI do not have a pay-in and will not be charged.
- Consumer-employers who pay a liability based on the difference between their income and the OSIPM standard will not pay any additional amount.
- Consumer-employers who are charged a pay-in based on the exact cost of their services pay an incremental amount. For most consumer-employers, this cost will be less than \$1.00 per month. The charge is based on something called the benefit fund assessment, which is 2.5 cents (0.022) per hour of service they receive per month.

For example:

- o 10 hours per month = \$0.22 per month
- o 25 hours per month = \$0.55 per month
- o 50 hours per month = \$1.10 per month
- o 100 hours per month = \$2.20 per month

Q. Will the cost of the workers' compensation be charged against the consumer-employers estate recovery?

A. The cost of the benefit fund as well as the cost of the workers' compensation premium will be a part of the estate recovery in the future.

Q. What if the consumer-employer refuses to allow workers' compensation to be purchased?

A. The consumer-employer would have to find another type of provider to provide their services. An in-home agency could provide in-home services or other community-based care options could be explored.

Q. Are independent choices providers covered by workers' compensation? What about spousal pay providers?

A. Yes, both Independent Choices Program providers and Spousal Pay providers are covered by Workers' Compensation Insurance.

Q. I received a call from the workers' compensation insurance wanting information about the homecare worker's injury. There is narration in the consumer-employer's record about the homecare worker's injury. May I release this information? Do I need to get a special release of information?

A. You can release the information to the workers' compensation insurance carrier, SAIF, the Oregon Home Care Commission, or the claims processor. Each consumer-employer signs a workers' compensation agreement and consent form ([SDS 0354](#)) agreeing to provide or release information necessary to process a workers' compensation claim for their homecare worker. An additional release of information is not needed.

Q. A homecare worker contacted me about processing a workers' compensation claim. Where should I direct them?

A. You need to have the homecare worker call the Workers' Compensation Coordinator with the Oregon Home Care Commission at 503-378-3099 in Salem. The Oregon Home Care Commission will process the claim and send it to SAIF. You should go ahead and document anything reported to you about the injury. This information could be helpful later if questions arise. If someone inquiries about this in your office, you can give them the brochure (form [SDS 0355A](#)), "What to do if you are injured on the job."