



# Oregon

Theodore R. Kulongoski, Governor

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**Bulletin No. 329**  
**March 24, 2003**

**To:** Workers' compensation insurers, self-insured employers, and other interested parties

**Subject:** Retention of claims records by insurers and self-insured employers

**Effective:** Immediately

**This bulletin clarifies changes in insurers' and self-insured employers' retention requirements for workers' compensation claims records.**

On July 1, 2001, OAR's 436-050-120 and 436-050-220 changed the retention requirements for claims records for all insurers and self-insured employers. Both rules state, "Claims records may be destroyed when all potential for benefits to the injured worker is gone."

A recent sampling of insurers and self-insured employers confirmed that most are conforming to these rules. However, some reported that in the event they did destroy or lose claims records, they would rely upon the Workers' Compensation Division's records to recreate this information.

On March 12, 1990, Bulletin No. 211 was issued to report a change to the division's retention of claim records. It clearly stated that the division would no longer be able to assist insurers in reconstructing old claim files, nor be able to provide a complete record if subpoenaed. Bulletin No. 211 is attached for reference (see reverse).

The division does not receive or retain a complete copy of an injured worker's claim file. The insurer or self-insured employer must retain the complete file. The division only retains the specific required claim information, and subsequent documentation that may be used to carry out the division's statutory duties. Insurers and self-insured employers should make any necessary changes in their record-keeping policy to accommodate future needs.

If you have any questions concerning the information contained in this bulletin, please contact the Workers' Compensation Division, Operations Section at (503) 947-7624 or by e-mail to [workcomp.questions@state.or.us](mailto:workcomp.questions@state.or.us).

/s/ John L. Shilts

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Attachments: Bulletin 211

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