



# Oregon

Kate Brown, Governor

## Department of Consumer and Business Services

Workers' Compensation Division

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To: Workers' compensation insurers, self-insured employers, and service companies

Subject: Civil Penalties for Insurer Delinquency Report Nonresponse

### INDUSTRY NOTICE

Accurate and timely claim reporting is essential to ensure the Workers' Compensation Division has accurate and complete claim data. The division uses claim data to monitor industry performance, respond to inquiries, perform dispute resolution, and assist with return to work. ORS 656.264 and OAR chapter 436 require insurers and self-insured employers to report certain claims information to the division. Any delay in providing this information impedes the division's regulatory processes.

Since 2012, the division has sent Insurer Delinquency Reports each quarter (January, April, July, and October) by certified mail to claim processors. The delinquency report identifies missing claims data, forms, and related documents that have not been reported to the division. Claim processors are required to respond to each item included on the delinquency report within 30 days from the date on the cover letter included with the report. The division is aware that several claim processors are not responding timely, leaving many report items unresolved over several quarters or years.

Under ORS 656.745(2), OAR 436-060-0011(10), and OAR 436-060-0200, the director may issue a civil penalty against any insurer or self-insured employer that fails to comply with statutes, rules, or the director's orders regarding reports or failure to file required notices or forms within time frames required by rule.

Starting with the July 2017 delinquency report, the division will assess civil penalties against insurers or self-insured employers for items not resolved by the deadline. Each unresolved item on the delinquency report that is more than 30 days from the report cover letter date will be penalized.

If there are items on the delinquency report that are not the responsibility of the claims processor listed, the processor must respond with that information within the 30 day time frame. A nonresponse will be considered unresolved and subject to penalty.

The division expects claim processors to review and respond to the delinquency report in a timely and complete manner.

For questions about the delinquency report, contact Quality Control Specialist Kim Muller at [kim.a.muller@oregon.gov](mailto:kim.a.muller@oregon.gov) or 503-947-7596. For questions about civil penalties, contact Medical Resolution and Sanctions Manager Steve Passantino at [steve.s.passantino@oregon.gov](mailto:steve.s.passantino@oregon.gov) or 503-947-7584.

Louis Savage, Administrator  
Workers' Compensation Division

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