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Meeting Transcript

Focus Group

Electronic Communication in the Workers' Compensation System

May 16, 2016, 9 a.m.

Room F, Labor & Industries Building, Salem, Oregon

Attendees:

Chris Kafka, Kaiser-on-the-Job
Dan Schmelling, SAIF Corporation
Don Emerson, SAIF Corporation
Jaye Fraser, SAIF Corporation
Jennifer Flood, Ombudsman for Injured Workers
Jerry Keene, Oregon Workers' Compensation
Institute
Joe Martinez, Concentra Medical
Larry Bishop, Sedgwick CMS
Terri Johnson, Safeway
Zachary Brunot, Randy M. Elmer, AAL, PC

WCD Attendees:

Cathy Ostrand-Ponsioen
Chris Clark
Daneka Karma
Fred Bruyns
Jenni Bertels
Juerg Kunz
Ryan Delatorre

THE WORKERS' COMPENSATION DIVISION OF

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THE STATE OF OREGON

FOCUS GROUP ON ELECTRONIC COMMUNICATION
IN THE WORKERS' COMPENSATION SYSTEM

The proceedings were held in Salem, Oregon, on the 16th day of May, 2016 at 9:00 a.m., before Fred Bruyns, Administrative Rules Coordinator for the Workers' Compensation Division.

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DISCUSSION AMONG PARTIES

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TRANSCRIPT OF PROCEEDINGS

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2
3 MR. BRUYNS: Good morning and welcome. As I said, I think we'll
4 have some more people join us, probably, this morning. But we have a good group
5 here, anyway, to get the discussion started. I'm Fred Bruyns. I coordinate the
6 rulemaking process. I think I've worked with all of you many times before, and so I
7 really appreciate you coming to join us to have this particular discussion. Some
8 people here at the table have asked over the last few years, really, that we look at
9 our administrative rules to see if there are obstacles to electronic communication,
10 things that are really standing in the way of your ability to actually, you know,
11 correspond efficiently, effectively with any parties that you would like to correspond
12 with. Some of the things that we may look--or identify may be statutory, but it's
13 important to get them out there, anyway.

14 I would encourage you-- This is more brainstorming than our usual
15 advisory committee meetings. You'll see that we have a pretty brief agenda. A fairly
16 long attachment to the agenda, but a brief agenda. So we want to get as many ideas
17 out there as possible, and identify any problems or opportunities. But there's not a
18 lot more I have to say about this particular meeting, except that if you're on the
19 telephone with us today, please know that we'll pick up any background noises in
20 your office. So you may want to consider muting as needed if someone comes in
21 and starts to talk to you, that kind of thing.

22 I would encourage you not to put us on hold unless you're absolutely
23 certain you don't have any background music or messages that play for your
24 customers, because we have no way of turning those off. So please just think about
25 that. You can actually leave the conference and rejoin it as many times as you like,

1 so it's--you have more than one shot.

2 As we provide input today, I would welc--I would really appreciate it if
3 you'd identify yourselves when you speak, just for--because we're going to have this
4 meeting transcribed. However, I would rather you even forget to do that if it actually
5 impedes the flow of information, so I don't want anybody to get hung up on it either.
6 So if you think of it, that's great. If you don't, we'll probably be able to figure it out.
7 There's not so many people here that I can't go back and just kind of figure, okay, I
8 know who that is. And then we'll send it out to you. We always hope not to get that
9 wrong, however, because that--could put the wrong words or certain words in it. So
10 we don't want to actually put the wrong words with the wrong person. So do you
11 have any questions before we begin?

12 MS. FRASER: The only question is-- MS. Fraser. The only question I
13 have, Fred, is, is this--do you anticipate this will be the only meeting, or is this going
14 to be-- Often, work groups are--meet multiple times.

15 MR. BRUYNS: That's a very good question. I don't know how long this
16 particular discussion will take, or whether there would be appropriate follow-up items
17 that could flow out of this meeting. So the answer is, I don't know.

18 MS. FRASER: You don't know? Okay. Fair enough.

19 MR. BRUYNS: But the one thing we are rather certain of is that we
20 would take the information we gather here to future rulemaking advisory committee
21 meetings that are more focused on particular rules, and then-- You know, so your
22 information is not going to be lost. It's not going to just, you know, get shelved or
23 anything like that. We will preserve it. Anything else?

24 With that, I have introduced myself. I'd like to begin with--anyone on
25 the telephone with us this morning, if you could introduce yourselves and let us know

1 who you are and perhaps what organization you represent? Go ahead.

2 MR. MARTINEZ: This is Joe Martinez with Concentra Medical Centers,
3 Fred.

4 MR. BRUYNS: Okay. Welcome, Joe.

5 MR. MARTINEZ: Thank you.

6 MR. KEENE: This is Jerry Keene. I'm an attorney.

7 MR. BRUYNS: Welcome, Jerry. Anyone else? Terri?

8 MS. FRASER: Uh-huh.

9 MS. JOHNSON: Terri Johnson, Safeway/Albertsons TPA oversight.

10 MR. BRUYNS: Okay. Welcome. Anyone else on the phone? Okay.

11 MR. KUNZ: I'm Juerg Kunz. I'm a medical policy analyst with the Work
12 Comp Division.

13 MS. KARMA: MS. KARMA, policy manager for the Workers'
14 Compensation Division.

15 MR. DELATORRE: Ryan Delatorre, policy analyst for the Workers'
16 Compensation Division.

17 MS. BERTELS: Jenni Bertels, EDI coordinator for the Workers'
18 Compensation Division.

19 MR. CLARK: Chris Clark, policy analyst for the Workers'
20 Compensation Division.

21 MS. OSTRAND-PONSIOEN: And Cathy Ostrand-Ponsioen, also a
22 policy analyst for the Workers' Compensation Division.

23 MS. FLOOD: Jennifer Flood, ombudsman for Injured Workers, DCBS.

24 MR. BRUNOT: Zachary Brunot, claimant's attorney with Randy Elmer
25 here in Salem.

1 MR. KAFKA: Chris Kafka, Kaiser On-the-Job MCO administrator.

2 MR. BISHOP: Larry Bishop, Sedgwick Standards and Compliance
3 consultant.

4 MR. SCHMELLING: MR. SCHMELLING, SAIF Corporation.

5 MR. EMERSON: Don Emerson, SAIF Corporation.

6 MS. FRASER: MS. Fraser, SAIF Corporation.

7 MR. BRUYNS: Okay. Again, welcome to you all. There's an agenda,
8 and I think there's extra copies at the back of the room. I posted it and sent you all
9 copies. It's--as I said, it's a very general agenda, and then it has an attachment
10 where I've gone through the rules and just tried to identify key words, things like that
11 that seem to be related to electronic communication, or perhaps possibly stand in
12 the way of electronic communication.

13 So as I said, customers have asked the Division about this for a
14 number of years. So much of the wording in the rules was written at a time when
15 electronic correspondence and reporting were either impractical or impossible. So
16 we have terms such as mail, U.S. mail, U.S. Postal Service, postmark, certified mail,
17 regular mail and registered mail, and these describe methods that have been mostly
18 effective for giving notice to parties about actions or intended actions and their rights
19 and responsibilities. However, use of these words in the rules may present
20 barriers--probably does present barriers to paperless communication.

21 Some terms that we do not think limit electronic communication,
22 although we'd certainly welcome your input if you disagree, include written, in
23 writing, send, submit and file. The reason that written and in writing do not is
24 because the--we have even defined those to include, I think, electronic
25 communication, because it's still written.

1 But the first question I have down here that would--I'd like to start the
2 conversation is, what forms of electronic communication are desired? What would
3 you like to do, perhaps that you're not doing now, or what would you like to do more
4 of, if you could? Larry?

5 MR. BISHOP: Yeah, I'll start. Larry Bishop. A central e-mail box to the
6 Workers' Comp Division for submitting documents, as opposed to just faxes.

7 MR. BRUYNS: Okay. Anyone else? Well, act--I guess, let's actually
8 talk about that in terms of how you might use that, whether it would be secure. And
9 we have a question about security later on. But I know that's one of the things that
10 the Division has been really reluctant to do, is to routinely correspond by e-mail that
11 might include worker information, because we've been told, although I'm no expert
12 certainly on this, that it's not secure, that someone who knows how to do it can
13 actually steal that information as it comes and goes somehow.

14 But we do have a secure e-mail product, as well. It just involves an
15 extra step of setting up an account, which I think some people really--they don't
16 really like to do that, and I kind of understand that. I never like to when I'm trying to
17 correspond with a bank or whatever, so-- But--so let's talk about that, a central e-
18 mail box for the Workers' Comp Division. So this would be communication with the
19 Division, as to--as opposed to between other customers that you would have. How
20 might you use it, Larry?

21 MR. BISHOP: Submitting claims to the Division, 1502s, acceptances.
22 And if it were a dropbox that was somehow secure, you know, responses to the
23 Division for reconsiderations on Notice of Closure on documents would be provided.

24 MR. BRUYNS: So even claim documents like the 801s, 1502s,--

25 MR. BISHOP: Right.

1 MR. BRUYNS: --that kind of stuff?

2 MR. BISHOP: Assuming it's a secure box of some sort.

3 MR. BRUYNS: Right. MS.?

4 MS. FRASER: Well, I guess, you know, I want to step back a little bit,
5 because I think our vision-- And we think the way of the future is to kind of get away
6 from paper as much as possible. And just because you're sending a piece of paper
7 electronically-- Because that's what we're kind of talking about doing.

8 MR. BISHOP: Well, yeah, sort of, except I'm talking about generating a
9 document electronically--

10 MS. FRASER: Yeah.

11 MR. BISHOP: --and never creating paper,--

12 MS. FRASER: Yeah.

13 MR. BISHOP: --and securing the document to that e-mail address.

14 MS. FRASER: Yeah.

15 MR. BISHOP: And what the Division does with it is paper, I guess.

16 MS. FRASER: Well, and I guess part of what we're trying to think
17 about are using more portals. The Workers' Comp Board allows people to--you
18 know, to use portals, and I think that's probably more secure. And you--and what
19 really reminded me of that was you mentioned your bank, you know, trying to
20 communicate with a bank. My bank doesn't send me e-mails, and I don't e-mail
21 them. I go into their system, and we correspond there. Kaiser does that. You know,
22 you corr--you go into their network, and you correspond with your doc,--

23 MR. BISHOP: Uh-huh.

24 MS. FRASER: --order prescriptions and those kinds of things,--

25 MR. BISHOP: Right.

1 MS. FRASER: --because that is more secure. Because that is a
2 problem with e-mail, is that it isn't as secure.

3 MR. BISHOP: Yeah. So once you're in the portal, you can e-mail them.

4 MS. FRASER: Yeah.

5 MR. BISHOP: Yeah. Yeah. Right. That's the security.

6 MS. FRASER: Yeah.

7 MR. BRUYNS: MS., did I understand the--what you just said to mean
8 also--when you talked about paper documents,--

9 MS. FRASER: Uh-huh.

10 MR. BRUYNS: --were you talking about EDI versus, like, a flow of
11 data--

12 MS. FRASER: Yeah.

13 MR. BRUYNS: --versus a flow of--

14 MS. FRASER: Flow of data.

15 MR. BRUYNS: --a document image?

16 MS. FRASER: Ultimately.

17 MR. BRUYNS: Okay.

18 MS. FRASER: You know, and Jenni--

19 MS. BERTELS: Yes.

20 MS. FRASER: --sitting here-- Ultimately,--

21 MR. BRUYNS: Okay. Okay.

22 MS. FRASER: --you know, because what we really--I think what we
23 are all really engaged in is exchange of information, and we get kind of stuck in the
24 forms and documents that we've lived with for years. And I'm not saying that this is
25 something that can happen, like, overnight.

1 MR. BISHOP: Right.

2 MS. FRASER: But what I'd like us to consider is, are we setting
3 ourselves up to go that direction so that we're not--you know, ha--every time we do
4 rulemaking, setting up another stumbling block that we'll have to undo at some point.
5 Just, you know, tossing that out there.

6 MR. BRUYNS: Right.

7 MR. BISHOP: Yeah. So where's the Division with that--

8 MS. FRASER: Yeah.

9 MR. BISHOP: --sort of concept with EDI reporting of claims
10 information?

11 MS. BERTELS: We're discussing it. Our biggest thing we need to
12 resolve is our claims information system as it is now. That information system will
13 need to be rebuilt in order to be able to accept EDI claims. So over the next couple
14 of years, we're hoping to spec a new system--a new--

15 MS. FRASER: Uh-huh.

16 MS. BERTELS: --EDI system and see what we need and the
17 personnel we need and--you know, and how much money and all of that kind of
18 thing, and then go to the legislature in 2019-ish to ask for money.

19 MR. BISHOP: So we're looking five or six years or so?

20 MS. FRASER: We're looking down the road.

21 MS. BERTELS: Yeah, that's what we're looking at right now.

22 MS. FRASER: So you're not opposed to it fundamentally as--

23 MS. BERTELS: No.

24 MS. FRASER: --a policy matter?

25 MS. BERTELS: No.

1 MR. BRUYNS: Well, we're the opposite of opposed to it.

2 MS. BERTELS: Well...

3 MR. BRUYNS: We would like to do it in the worst way.

4 MS. FRASER: Okay.

5 MS. BERTELS: Yeah.

6 MS. FRASER: Okay. Fair enough.

7 MR. BRUYNS: But Larry, in terms of--

8 MS. FRASER: In the meantime.

9 MR. BRUYNS: --a broader span...

10 MR. BISHOP: Between now and then, I guess, is...

11 MS. FRASER: Yeah, in the meantime.

12 MR. BISHOP: In the meantime.

13 MR. BRUYNS: The Division is doing some secure document,--

14 MR. BISHOP: Right. I...

15 MR. BRUYNS: --eDocum--electronic document transfer now, images,
16 and it's a secure portal. It's an FTP process. And we do it with SAIF Corporation. It
17 was a pilot project. And we would be willing to entertain doing that with others. I think
18 we've had some communications with Sedgwick in the past about this.

19 MR. BISHOP: Right.

20 MR. BRUYNS: And so please know that that's a possibility. You know,
21 in some ways it would be a stop gap. But as you can see, it would be a several-year
22 stop gap. As opposed to printing it to paper, sending it to us, we then scan it, enter it,
23 and we now scan it back into an image. So it's not the most efficient process now,
24 because we do have-- We don't turn your images back into paper at any point. You
25 just look at them on a screen and data enter them. So yeah, there's still that step of

1 data entry involved, but we're assuming--of course, it's up to the customer, but we're
2 assuming it's cheaper for the customer to not have to print it out and mail it into us.

3 MR. KAFKA: So you're doing that?

4 MR. BISHOP: Yeah.

5 MR. BRUYNS: Any other thoughts about that? Chris?

6 MR. KAFKA: So from the provider perspective, right now, depending
7 on who we are working with, we have to remember this insurer or this entity, we can
8 e-mail to; this one, we need to fax; and this one, we've got to do snail mail; and this
9 other one, we have to do both. It would be terrific to have something in the rules that
10 explicitly acknowledges electronic communications are not only acceptable, but
11 perhaps the preferred approach to doing it.

12 And then I'm not su--and something else that I think might bear
13 considering is to what extent the Division might want to take a stand on establishing
14 some kind--some standards to--for--to address the security concerns in par--in
15 particular. So what is an acceptable way for transmitting a document that contains
16 information about either medical or claim-related information about a worker? I think
17 it bears consideration. I'm not-- You know, obviously, if you set a--if you set
18 standards, there's--it can also be viewed as being limiting, but they can al--on the
19 one hand--on the flip side, they can also be enabling. So I think it--there needs to be
20 some consideration given on which way standards would play out here.

21 MR. BRUYNS: Okay. That's a really good point, and I'd like us to have
22 that discussion. We're going to have--I think we're going to devote a whole section of
23 the meeting to security. I want to talk about that for sure, so-- Any other thoughts on
24 the kinds of communication that you would like to do? Is it really only e-mail or EDI in
25 the case of information that you might provide to the Department or-- This just

1 reflects my limited knowledge of maybe what might be out there. I mean, I guess
2 there's text messaging. I don't know what else might be possible. Maybe you'd just
3 prefer not to ever use some of those things. But if you do--or if you are using them or
4 you'd like to use them, it might be a good idea to kind of get it down.

5 MR.DELATORRE: And we're not just talking about communications
6 with the Department; right? We're talking about--

7 MR. BRUYNS: No, it's definitely...

8 MS. FRASER: Between...

9 MR.DELATORRE: --communications with the workers and providers?

10 MR. BRUYNS: No. In fact, I'd say even more--there's a lot more
11 communication that goes on outside the Department, obviously. Every time you
12 have an adjuster dealing with a worker, however they communicate, it's either going
13 to be a paper process, a telephone process or some kind of e-mail, what have you,
14 so...

15 MR. KAFKA: So push technol...

16 MR. MARTINEZ: Hey, Fred. This is Joe. Are we trying to define
17 communication between provider and payer as well, or are we trying to define e-
18 communication between the payer and, let's say, you or-- I mean, how are we trying
19 to do this? Because, you know, as providers, we communicate with employers. As
20 providers, we communicate with MCOs. As providers, we communicate with, you
21 know, outside third parties. As providers, we communicate with the Division. So
22 there's all sorts of e-comm--you know, potential e-communication going around with
23 respect to the Workers' Compensation system. So how broad are we going to want
24 to get into this? And then definitively, at the end of the day, when you want to send
25 something certified or registered mail, is that going to change in terms of definitions,

1 as well?

2 MR. BRUYNS: Well, that's important, very--two very important
3 questions. Chris asked some of that with his question, that there's so many parties
4 that you want to communicate with. Actually, there was three questions in there. It's--
5 -this conversation is very broad. It involves communication between any party and
6 any other party in the Workers' Comp system. So it's really that broad, and we don't
7 want to limit it in any way.

8 There are the issues of having multiple customers with probably
9 multiple needs and levels of technology to communicate with. And then in terms of,
10 you know, what might be in the rules, like certified registered requirements, there
11 may be ways around those, or equivalent processes, electronic processes. So we
12 want to have that conversation, too. And so, yeah, those are very good questions,
13 Joe. So it's really that broad.

14 MR. MARTINEZ: Okay. Thank you, Fred.

15 MR. BRUYNS: Thanks, Joe. I think Chris or somebody was going--had
16 their hand up. I'm sorry, Larry.

17 MR. BISHOP: So you mentioned texting and that sort of
18 communication. So Sedgwick is really big into what's called push technology. So
19 employee--workers can sign up to have text messages sent when their checks are
20 issued or when certain things happen. I mean, I don't consider that official
21 correspondence.

22 MS. FLOOD: But it's really helpful.

23 MR. BISHOP: But it raises the question--it raises the--

24 UNIDENTIFIED SPEAKER: Yeah.

25 MR. BISHOP: --question of-- Okay. So if a text goes out to the worker

1 saying, hey, your check's in the mail, and he's represented, does the claimant's
2 counsel want a text to come to them as well?

3 MR. BRUNOT: CC me. I'm okay with it.

4 MR. BISHOP: I don't know if you CC texts. I've had some problems.
5 So I mean, just to--

6 UNIDENTIFIED SPEAKER: Copy.

7 MR. BISHOP: --sort of toss that out there.

8 MR. DELATORRE: Have you read any obstacles in the rules in
9 implementing those kind of notifications?

10 MR. BISHOP: I just-- You know, it's a new thing. And it's--

11 UNIDENTIFIED SPEAKER: Yeah.

12 MR. BISHOP: --one of the things that-- I'm the compliance dude, so I'm
13 considering--is it an issue. I don't want it to be...

14 MR. SCHMELLING: Well, I would consider it an extra level of customer
15 service--

16 MR. BISHOP: That's what it's considered right now.

17 MR. SCHMELLING: --that's not restricted in the rules now.

18 MS. FRASER: Right.

19 MR. BISHOP: No.

20 MR. SCHMELLING: And SAIF does the same thing. Not with texting--

21 MS. FRASER: Text.

22 MR. SCHMELLING: --out on checks but there are occasions where we
23 may text the worker. We may e-mail a worker to benefit the communication. Not for
24 official communication--

25 MS. FRASER: And that...

1 MR. SCHMELLING: --that's covered in the Administrative Rules as
2 Notices of Appointment and that. But if we have a worker saying, I'm only available
3 by text, and I need to know if--we're going to text that worker and let them know the
4 answer to the question that they're asking. So to that extent, I don't want whatever
5 you do in the Administrative Rules to restrict us from providing customer service. But
6 if you're talking about the official communication, a Notice of Appointment, can we
7 send that by electronic communication, and how do we confirm that Notice of
8 Acceptance or a denial notice? I see a lot of benefit in that. I know I'm jumping
9 ahead. But it's instantaneous notice. You push send, it's in the worker's hand. They
10 know about their denial today, not a week from today when the mail is delivered. So
11 to that extent, I see it as providing better customer service to, you know, whoever
12 we're communicating with.

13 MR. BRUYNS: So kind of to understand, in terms of how we may
14 actually--or not want to limit people by actually coming out with a rule that addresses
15 maybe text. And so would you all prefer that we maybe set some limits, but if
16 something doesn't need to be addressed, don't address it at all? I mean, if text
17 doesn't need to be even addressed, would you prefer we not address it at all?

18 MR. BRUNOT: I think if you look at a historical perspective, there was
19 a point where e-mail was very kind of uncouth amongst business practices, and now
20 it's become completely commonplace to be myopic and not consider text or
21 whatever the...

22 MS. FRASER: Comes next.

23 MR. BRUNOT: Whatever it's going to be; right? We should be forward
24 speaking--

25 MS. FRASER: Yeah.

1 MR. BRUNOT: --or thinking so we don't have this meeting wondering
2 what to do with the next mode of communication.

3 MS. FRASER: Right.

4 MR. BRUNOT: I mean, text is going to happen. I text my clients once
5 in a while. I try not to, because that is, by definition, meaning they have my private
6 cell phone number.

7 MS. FLOOD: That's why you get a separate phone.

8 MS. FRASER: Exactly.

9 UNIDENTIFIED SPEAKER: Do it from--through Google.

10 MR. BRUNOT: Oh, can you?

11 UNIDENTIFIED SPEAKER: Yeah.

12 MS. FRASER: Well, and I...

13 MR. BRUNOT: So I mean, it does need to be...

14 MS. FRASER: Yeah.

15 MR. BRUNOT: We shouldn't box ourselves out by not even
16 considering that, because it will happen eventually.

17 MS. FRASER: Uh-huh.

18 MR. BRUNOT: I mean, I know that my boss is--he still texts and has a
19 signature line on his text, because it's--you know, because he thinks it's...

20 MR. KAFKA: Yeah, that immediately bring--does bring up a concern in
21 that with traditional forms of communication--let's go all the way back to mail--you've
22 got certified mail that plays a certain role in basically putting--in creating a record
23 that some kind of notice was sent. With text, you don't have that per se. Now, what
24 would be really helpful is if-- And maybe in the rules, instead of focusing specifically
25 on technologies, focusing on what--to what extent evidence needs to be created or

1 preserved via communication to indicate that had happened.

2 MR. BRUNOT: Correct me if I'm wrong, but Mr. Bishop was refer--
3 basically, that text messages are redundant communications?

4 MR. BISHOP: Yes. I cannot-- Personally, at this point in my life, even
5 though I'm an old guy, I still embrace technology, I can't see that text would replace
6 official correspondence, certified mail.

7 MR. SCHMELLING: Why not? We've been communicating--

8 MR. BISHOP: Maybe a different type of...

9 MR. SCHMELLING: --by telephone for years.

10 MS. FRASER: Yeah.

11 MR. BISHOP: Yeah. So I'm a...

12 MR. SCHMELLING: And there's nothing in the rules that talk about
13 telephone communication. So e-mail and the text is taking the place of that
14 telephone--

15 MS. FRASER: Uh-huh.

16 MR. SCHMELLING: --communication.

17 MS. FRASER: Yeah.

18 MR. SCHMELLING: We still have required communication that is
19 evidence-based that we have to be able to reproduce. So—

20 UNIDENTIFIED SPEAKER: But why does it have to go through mail?

21 MR. BISHOP: Well, it could. Maybe a different type of electronic
22 medium.

23 MS. FRASER: Yeah.

24 MR. BISHOP: You know, maybe e-mail is...

25 MR. BRUNOT: My only concern for preparing the--producing the

1 evidence necessary, with the Workers' Comp Portal over at the Board it's been
2 successful. I like it. It's quick. It's easy. I would imagine your equivalent is 2019, the
3 Division Portal; right?

4 MS. BERTELS: No. It would be EDI claims--

5 MR. BRUNOT: Oh.

6 MS. BERTELS: --through the IAIABC...

7 MR. BRUYNS: We have something similar now.

8 MS. BERTELS: Yeah.

9 MR. BRUYNS: It's an FTP process. It's a portal, basically.

10 MR. BRUNOT: I still know that I have to fax recon requests. That's as
11 far as my--

12 MS. FRASER: Yeah.

13 MR. BRUNOT: --scope of this with interfacing with the Division--

14 MS. FRASER: Right.

15 MR. BRUNOT: --for notice and stuff. But if there isn't something like
16 that currently, if we are going to eventually move to something like that, but there's a
17 stop gap solution in the meantime where there's an e-mail box or something, there
18 has to be some sort of response, confirm receipt, is the only thing obviously...

19 UNIDENTIFIED SPEAKER: Correct.

20 MS. BERTELS: Right.

21 MR. BRUNOT: But other than that, I mean...

22 MS. BERTELS: Well, in EDI, there are acknowledgements for each
23 transaction, like, hey, we got it, we accepted it, whatever. I wonder if you could have
24 something like that through, like, secured e-mail where an automatic
25 acknowledgment is sent back saying, we acknowledge receipt, or something like

1 that. That can be an option, too.

2 MR. BRUYNS: That's...

3 MR. BRUNOT: I think as far as on the eFile on the civil side of
4 things,--

5 MS. FRASER: Yeah.

6 MR. BRUNOT: --when I'm filing something at the courthouse there is a
7 clerk somewhere that looks to make sure that whatever the file--the PDF that I have
8 uploaded with is, first off,--

9 UNIDENTIFIED SPEAKER: Comes through.

10 MR. BRUNOT: --correctly labeled, and then they open it up and make
11 sure it's not corrupted or something. And if I make some mistake on my side, calling
12 it something that it isn't, hey, we're not accepting this. I mean, I don't think it's robot-
13 driven. I'm pretty sure there's eyes on it, looking at it.

14 MS. FRASER: A real live body, yeah. And I think, again, I'm going to
15 push us looking at. Ultimately, the technology is there now for metadata to be--to tell
16 us that stuff has been received. And it's actually one--I think probably one of the
17 nicest things about, you know, thinking about the translation of data through the
18 system, is that you'll be able to tell that your data has been sent and accepted,
19 instead of waiting for somebody to open it up and look at it. And that's all--a little bit
20 of what we're doing with the EDI already.

21 MS. BERTELS: Yeah, that's exactly what happens.

22 MS. FRASER: Insurers do it with the national council. I mean, we send
23 tons and tons of data to NCCI, and they're either--you know, if they--if we don't do it
24 right, they reject it. So, you know, it's all there, it's all recorded. We know exactly
25 when it's gone. So, you know, I think--I just--I would encourage us to think about the

1 what, as opposed to the how. You know, certified mail, I personally think is passé
2 and kind of useless. Because I know even when I was a very young lawyer starting
3 out, if we sent certified mail to somebody, we also sent regular mail, because so
4 many times the certified mail came back because somebody, you know, wasn't there
5 to sign the little green card and all of that. So I mean, I just think we--what we really
6 want to focus on is, what do we need? And that would get to that question of, do we
7 really want to say anything in the rules about text messages?

8 MR. BRUYNS: Yeah. A previous comment, I think it might have been
9 from Chris, yeah, focus on the evidence,--

10 MS. FRASER: Yeah.

11 MR. BRUYNS: --and not the technology. Because--

12 MS. FRASER: Yeah.

13 MR. BRUYNS: --who knows, next year there could be--

14 MS. FRASER: Changes.

15 MR. BRUYNS: --new technology that we didn't mention in our rules,
16 therefore, you can't use it. So yeah. As I thought would probably happen is we're
17 going to be addressing more than one question at a time. It's just going to happen.
18 We've already talked a little bit about security. And so the next thing that I have no
19 here, are there particular processes that could be improved? Is there anything you
20 can think of that we haven't covered that might actually be a response to that
21 question that would help us basically know what to take to rulemaking advisory
22 committee meetings as a recommendation or something that we gather from this
23 group? Or maybe the question is...

24 MR. KAFKA: So another thought I have. And it would be good if
25 consideration were given that--to the extent that we move to electronic

1 correspondences. That would encourage--perhaps encourage, but not require
2 communicators to put in place mechanisms to ensure that all stakeholders on a
3 Workers' Compensation claim are notified simultaneously, or as close to
4 simultaneously as possible, of what's going on. So for example, I know SAIF was
5 talking about doing--notifying workers through text messages that their claim has
6 been denied.

7 MR. SCHMELLING: No. No. I know...

8 MS. FRASER: No. No. No.

9 MR. KAFKA: It was a...

10 MS. FRASER: No.

11 UNIDENTIFIED SPEAKER: Or accepted?

12 MR. BISHOP: No. No.

13 MR. SCHMELLING: Just communication that if a worker has a
14 question about--has my check been mailed?

15 MR. KAFKA: Okay.

16 MR. SCHMELLING: If we got a voice-mail and the worker said, can
17 you text me back at this to say, has my check been mailed, we would text back, yes.
18 Anything that's covered in administrative rule that has a requirement for how it's
19 delivered, or as you said, evidence that it's delivered, all of that's in accordance with
20 the administrative rules. Any text messaging or e-mailing is above and beyond what
21 we're required. It's simply a courtesy.

22 MR. KAFKA: It is a courtesy. But what this then has a potential of
23 creating is-- Let's say you've sent out the mail, and then you also text the patient, oh,
24 you know, by the way, your claim has been denied. Four times out of ten, that
25 patient will be calling their doctor within a day of receiving that text message, and

1 then the doctor is sitting there going, well, I don't know anything about this. And
2 there are going to be--and it will create problems on the provider's end.

3 MR. SCHMELLING: That happens for the past-- I've been in the
4 industry over 25 years with phone calls.

5 MR. BISHOP: With phone calls, yeah.

6 MR. SCHMELLING: We--as a courtesy, one of our best practices is to
7 call up the worker when we're issuing a denial and say, we're issuing a denial, and
8 this is why,--

9 MS. FLOOD: Because the...

10 MR. SCHMELLING: --you'll be getting something in the mail, as
11 required by administrative rule.

12 MS. FLOOD: Because the benefits stem from that being issued, not
13 the worker receiving it or the provider receiving it. So although there might be some
14 confusion there as to the provider doesn't know, at least you're going to know before
15 you have the appointment that afternoon that the claim has been denied, versus
16 going through, not knowing that it's been denied, and then possibly left to...

17 MR. KAFKA: So I know with our providers, one of their pet peeves is
18 not being informed about the most current information that's going on with the claim.
19 I know that patient presenting and bringing with them new information that they
20 hadn't got that--about the status of their claim that the provider is not yet aware of...

21 MS. FLOOD: Yeah.

22 MR. KAFKA: They really--they feel that it could really-- It puts them in
23 an awkward position sometimes.

24 MS. FLOOD: So maybe a quicker way of the provider receiving the
25 information as simultaneously--

1 MR. KAFKA: Simultaneously as possible.

2 MS. FLOOD: --as possible with the worker.

3 MR. SCHMELLING: So I guess my question is, are we focusing on the
4 communication between the people here at the table, how we do business with each
5 other, how SAIF does business with WCD, with the medical providers, with workers'
6 attorney, versus are we discussing how an insurer, a service company, whoever is
7 processing the claim, communicates with workers? Because a lot of what's in the
8 administrative rules is how we communicate with workers, but it seems like the
9 discussion here is focused on how to make our business working with each other
10 better. So...

11 MS. FRASER: Yeah.

12 MR. BRUYNS: Well, that's a valid point, and it kind of flows into the
13 third item here; who are the parties with whom you would like to communicate
14 electronically? And we've already talked about who some of those are. And I might
15 just offer as one thought is that, you know, our rules may not have any place
16 addressing correspondence between--I don't know this to be true, but maybe how
17 you would correspond with an employer. Right now, I can't think of much in our rules
18 that says how you have to do that, otherwise, you know, unless you're going to
19 cancel a policy, something like that, something very official. Otherwise, routine
20 correspondence--we just are completely out of it, and I'm not sure we'd want to get
21 into it.

22 MS. FRASER: Yeah.

23 MR. BRUYNS: I do think of something in the Division 9 and 10 rules, I
24 think, or at least in Division 9, that says that insurers and healthcare providers may
25 communicate electronically, and then we kind of caution them about security and

1 some federal standards, I think, for security. So that's an im--you know, an important
2 question; you know, who are the parties with whom you'd like to communicate
3 electronically. But a related question is, what should our rules even address? Where
4 should we not go with that? I mean, maybe there's no place for them. Maybe there's
5 not even author--any authority in some cases. I don't know that, but I'm throwing it
6 out there.

7 MS. FRASER: I don't think there's anybody that we wouldn't want to
8 communicate with electronically, ultimately. I mean, we already interact commun--
9 you know, electronically with our injured workers, because we do have a portal for
10 injured workers to view what's happening with their claims. It's entirely optional.

11 UNIDENTIFIED SPEAKER: But it's not mandatory.

12 MS. FRASER: Hmm?

13 UNIDENTIFIED SPEAKER: But it's not mandatory.

14 MS. FRASER: No, it's completely optional.

15 MR. BRUYNS: And I would assume with something like the employer
16 assistance--Employer-at-Injury Program that you would be corresponding with
17 employers--

18 MS. FRASER: All the time.

19 MR. BRUYNS: --electronically. I can't imagine you doing that by mail or
20 over the telephone, of course, but...

21 MS. FRASER: Right. Well, sometimes you do. I mean, I think it's
22 like-- And I've already heard this. Different employers, different workers, different
23 providers, different--you know, everybody, vendors, whatever, have different needs.
24 Some people are more sophisticated than others. Some people could have come
25 kicking and screaming into the 21st century. My--you know, my kids still look at me

1 and go, "Why is that so hard for you?" It's like, I didn't have a computer until I was a
2 grown woman.

3 So I think I would not want to see anything again that would limit the
4 ability to interact electronically, because it does--and I think Dan has mentioned that
5 it speeds the process to the extent that it encourages communication and enables
6 communication. That's one of the fundamental pieces of this business. And if you
7 look at how long it takes a piece of mail to get from Salem to Salem anymore,
8 because-- What were we saying? We were talking about it this morning. Mail goes to
9 Portland or Seattle before it comes back to Salem.

10 MR. BRUYNS: It does.

11 MS. FRASER: So that's certainly not helping an injured worker who we
12 send a piece of mail to across town.

13 MR. BRUYNS: So should our rules have anything to say about how
14 you may communicate with a vocational assistance provider or an employer, other
15 than whether you would be able to send policy cancellations that way, or is there
16 really no need for that, it would just be addressing a problem that's not a problem?
17 Are there any needs out there other than a worker, insurer, worker service company,
18 maybe a worker healthcare provider correspondence?

19 MS. FRASER: You're all pretty quiet, I think.

20 MR. BISHOP: We're thinking.

21 MS. FRASER: Yeah. Oh, you're thinking? You're thinking.

22 MR. BISHOP: I'm thinking.

23 MS. FRASER: Oh, okay. Sorry.

24 MR. BISHOP: So correspondence. You know, it's required to be
25 provided on different types of communication, but it's paper. That's the way all of this

1 is laid out. So with regard to those sorts of communications, letters to workers for
2 their claim acceptance, letters to the attorney in response to requests, those sort of
3 communications that have to be provided in this sort of format now, if that could be
4 opened up, if it's possible, to electronic communication-- And I don't know how that
5 would work (unintelligible) a worker that says, I would like to have you correspond to
6 me via e-mail rather than through U.S. Postal Service.

7 MR. BRUNOT: It seems like on my side that it would be company by
8 company. SAIF says, you know, if there's a new claim and I have no record of you
9 and you're asking for discovery or something like that, it has to go into the main box
10 and be disseminated along with the--you know, with the notice of representation and
11 the request for discovery. If Sedgwick has a generic, like, hey, new attorneys to an
12 existing claim or attorneys to a new claim, this is where you need to direct initial
13 correspondence, and then it gets funneled through to a...

14 MR. BISHOP: Yeah, but that's the incoming. I mean, I'm talking about
15 outgoing to the worker. So right now, I send a letter to the worker, I have to mail it.
16 So can that be opened up? Is that something to discuss where that maybe could be
17 electronic, rather than paper, if there's an election or-- I'm just throwing out all kinds
18 of stuff here. Not that it's mandatory or required, but could that be opened up so that
19 that doesn't have to be paper, if someone asks that it not be and provides an
20 alternative. That's a little scary to me to say, but...

21 MS. FRASER: I think it sounds great.

22 MR. BISHOP: I think that--so that's the kind of opening of the door, I
23 think,--

24 MS. FRASER: Yeah.

25 MR. BISHOP: --to electronics that I'm looking at as far as the rules are

1 concerned.

2 MR. BRUNOT: Or opt in like the automatic ACH deposits or...

3 MS. FRASER: Yeah.

4 MR. BISHOP: It's an option. That's problematic, then, I think...

5 MR. BRUNOT: There are unsophisticated claimants out there, as you
6 all know, that don't have computers, or perhaps even regular...

7 MR. BISHOP: Yeah. The push technology Sedgwick does is voluntary.
8 A lot of workers don't...

9 MS. FLOOD: But some we need in...

10 MR. BISHOP: But I'll like it if you'll do it for me.

11 MS. FLOOD: Yeah. In our office, there has been quite a--more than
12 what I expected of workers saying, "yeah, could you just e-mail that to me, oh could
13 you just do..."

14 MR. BISHOP: Sure.

15 MS. FLOOD: You know, because-- And I find it handy, because then
16 there's record as to where it was sent and that they received it. And when they
17 respond back and then they say they never got it or whatever, you know, you can
18 say, well, let's go back up the trail--the e-mail trail and see what we've got, so...

19 MS. FRASER: Yeah. And I think that that's-- And I think, actually-- And
20 whoever put this together with all of the--this wonderful person went through and
21 underlined all the-- That was-- Who did that? You did that? Nice job. No, it was very
22 helpful. And the legislature, I think, intends for electronic communication. Because in
23 656.726, Fred underlined it for us, "Notwithstanding any other provision of this
24 chapter, the Director may adopt rules to allow for electronic transmission and filing of
25 reports," blah, blah, blah. So I think it's there.

1 MR. BRUYNS: We did talk about that a little bit internally, in terms of
2 whether that gives us carte blanche to do that. And from a legal standpoint, we don't
3 know. If another statute says very specifically, you know, must--by regular mail or
4 whatever, uses terms like that, if it does, then we'd have to look hard at that.

5 MS. FRASER: I know. I was kind of trying to wrap my brain around
6 that.

7 MR. BRUYNS: Yeah. I was trying to hang my hat on that one, too. I
8 thought, well, that's the one.

9 MS. FRASER: We've tried.

10 MR. BRUYNS: That's the one. Yeah.

11 MS. FRASER: What do you think, Zach?

12 MR. BRUNOT: I think that the agency can strong arm compliance of
13 the participators of the Circuit Court. The Circuit Court did that with eFiling. I mean, I
14 don't want to eFile a complaint or an amended complaint. I want to walk into the file
15 clerk and look at them in the eyes and say, "It's 4:59," you know.

16 MS. FRASER: Uh-huh.

17 MR. BRUNOT: This is good. But they--we can--that's not an option
18 anymore. There's--that person doesn't exist at the courthouse anymore. So I mean,
19 you guys--if you have some sort of provision that allows you to opt to do it, it just
20 seems like it should be (unintelligible).

21 MR. KEENE: This is Jerry Keene. I just would note that the other body
22 besides the Board that's working with electronic portal and stuff, and is actually
23 further along, I think, is the Court of Appeals. The Appellate Court system is--has
24 gone exclusively to electronic filing, electronic service everywhere that the statutes
25 allow it. And in reference to your comment about being about to go in at 4:59 and

1 see a real person, I get that, but I've also got to communicate the security that I get
2 from knowing that I can wait until 11:59 and submit it electronically. And that saved
3 me a couple of times. So I'll just throw that out there.

4 MR. BRUYNS: Thanks, Jerry.

5 MS. FRASER: Well, and I think it's always har-- This--we're not very--
6 doing a very good job of saying who we are as we're speaking.

7 MR. BRUYNS: You know, it's--we're such a small group. It really
8 doesn't...

9 MS. FRASER: Oh, okay.

10 MR. BRUYNS: It doesn't matter. It doesn't...

11 MS. FRASER: But I think sometimes when it's a little hard to get
12 people headed into a direction with new things, one of the things that SAIF does is
13 allows our employers to come in and fill out payroll reports. So they come into our--
14 through a portal into our systems, fill out their payroll report for reporting payroll to
15 figure out how much they owe us. And when employers find that, and they-- You
16 know, we actually helped them through it a few times. They love it. They love it
17 because it is that last minute kind of thing. We can have people who are ready--their,
18 you know, policies ready to cancel, who we can sit there and help walk through
19 doing that payroll report so their policy doesn't cancel. The same with making
20 payments online.

21 So I think a lot of this is just kind of getting people over the hump. And I
22 like the idea of strongarming people into it, but not workers. I mean, I'm not-- Please
23 don't misunderstand. I understand that we're never going to have all workers able,
24 wanting, ready to. But I think more and more, especially as the younger
25 generation...

1 MR. BISHOP: To make it available.

2 MS. FRASER: Well, yeah. Make it available.

3 MR. BISHOP: Make it available.

4 MS. FRASER: Make it something that they can use, because...

5 MS. FLOOD: Well, and what's sad is our situation where--we had
6 where people don't have an address,--

7 MS. FRASER: Right.

8 MS. FLOOD: --where they're homeless,--

9 MS. FRASER: Yes.

10 MS. FLOOD: --but they happen to have a smartphone.

11 MS. FRASER: Yeah.

12 MS. FLOOD: I mean, it's a way--

13 MS. FRASER: Uh-huh. Yes.

14 MS. FLOOD: --of being able to communicate with them.

15 MR. KAFKA: And that kind of goes back to what I was talking about
16 first, which is, you know, to the extent possible, if the rules could be updated to talk
17 about the--I guess the evidence for the-- What's the word I'm looking for? The
18 history of the correspondence--of the correspondences, versus the specific method
19 or channel of correspondence. That would really be helpful. So for example, when it
20 says certified mail, really what we're talking about here is a mechanism of
21 communicat--of providing--of sending out a communication where there is evid--that
22 provides an evidence of delivery.

23 MS. FRASER: Yeah.

24 MR. BRUYNS: Ready? The fourth item we have here, what are the
25 benefits? And you've already mentioned some of those. You know, immediate

1 receipt, or it's nearly instantaneous. Are there--is it--are this--are there costs savings
2 associated? I mean, it's kind of a dumb question, perhaps. But are there actually
3 cost savings that may be measurable for this kind of thing, or even if they're not
4 measurable?

5 MS. FRASER: How much does it cost to mail a letter anymore?

6 UNIDENTIFIED SPEAKER: Certified?

7 MS. FRASIER: Certified, yea. Just even that alone. But also people.

8 MR. KAFKA: Yeah. I think, you know, if we could be-- The opportunity
9 to just accelerate things is going to squeeze a tremendous amount of dollars out of
10 the system in terms of production of waste and duplicative effort.

11 MR. BISHOP: You can't measure it exactly, because if you e-mail
12 something you don't know if it's going to get printed at the other end. So whether you
13 save paper or not is unknown,--

14 MS. FRASER: Yeah.

15 MR. BISHOP: --really.

16 MR. BRUYNS: Yeah.

17 MR. BISHOP: But in theory, you should save money.

18 MR. BRUYNS: So I'm assuming there are benefits, then, for the
19 worker, if the worker is the intended recipient as well. Jennifer, you mentioned the
20 homeless person who might have a phone.

21 MS. FLOOD: Yeah.

22 MR. BRUYNS: What do they get now? I mean, it--if they can't get
23 regular mail, have they really been given proper notice, say, of that Notice of Closure
24 or what might have happened?

25 MS. FLOOD: That's always a challenge. Luckily, we--you know, we're

1 talking very few,--

2 MR. BRUYNS: Yeah.

3 MS. FLOOD: --but we've had a couple lately. Getting their time loss
4 checks can be problematic, as well.

5 MR. BRUYNS: I'll bet. Sometimes--

6 MS. FLOOD: But...

7 MR. BRUYNS: --they can get a mailbox somewhere. There are
8 services around town--

9 MS. FLOOD: Yeah. Yeah.

10 MR. BRUYNS: --that provide...

11 MS. FLOOD: And actually Lou Savage (phonetic) helped with finding
12 some of the homeless shelter stuff, and the mailing options that may be available
13 through those. But when they're like, "Well, I have a phone, can you, you know, send
14 me, you know"-- Which is why I have a work cell phone now where they can text,
15 you know, through, not my personal phone, and at least we can communicate that
16 way with a variety of workers. But a lot of times they'll use a family member's mailing
17 address.

18 MR. BRUYNS: Okay. Yeah.

19 MS. FLOOD: Or--you know, I mean, they come up with something in
20 order to make that happen. In talking with-- Well, the whole debit cards for
21 payments, because that's, like, ideal for somebody who doesn't have an address.
22 But--

23 MR. BRUYNS: Right.

24 MS. FLOOD: --getting those through the bank, the bank requires a
25 mailing address. So they either provide a family member-- They have to come up

1 with some kind of address.

2 MR. BRUYNS: Right.

3 MS. FLOOD: And my looking into that, talking with DHS, they--I mean,
4 they require--there has to be an address. I'd be willing to bet that many of those
5 addresses are probably pretty bogus.

6 MS. FRASER: Yeah.

7 MR. BRUYNS: Oh.

8 MS. FLOOD: So mailing notices to folks, it's not going to happen. I
9 mean, it might be mailed and we go, hey, we did our part. But whether or not the
10 worker actually receives it-- Which our law doesn't require them to receive it. It's just
11 nice that they do receive it.

12 MR. BISHOP: And the kind of services...

13 MS. FLOOD: The what?

14 MR. BISHOP: To share with that is we struggle with--we're getting mail
15 back. And speaking specifically of the worker, we're getting mail back, and we're
16 needing to issue out a permanent partial disability check.

17 MS. FLOOD: Yeah.

18 MR. SCHMELLING: Our requirement is last known address.

19 MS. FLOOD: Yeah, period.

20 MR. SCHMELLING: Period. So we're not worried about communic--
21 that type of communication with anyone else, because it's very often--or not very
22 likely that you're changing your office, or that a medical provider is changing their
23 mailing address. But for the worker--and that's where--I guess my focus is more on
24 that communication directly with the worker, is how can we make it more efficient
25 and more beneficial to the worker, knowing that we still have a requirement to copy

1 any interested party.

2 MS. FRASER: Uh-huh.

3 MR. SCHMELLING: But we're not necessarily, I don't think at this
4 point, working on or focusing on, okay, now, I'm going to send this to the worker, and
5 am I going to e-mail Zachary, am I going to e-mail Kaiser On-the-Job? Okay. Let our
6 business practices take care of that right now. But that communication with the
7 worker, how can we make that more efficient so that they're getting timely notice of
8 these things? And then we at this table can start working on, okay, are there other
9 ways that we can communicate our business needs--

10 UNIDENTIFIED SPEAKER: Right.

11 MR. SCHMELLING: --to increase that, or to even make that
12 communication better.

13 MR. BRUYNS: And the bottom item on this page is, are there potential
14 negative impacts? And this kind of came from a concern that was expressed that--I
15 think in the actual circumstances were an adjuster may have been on vacation or
16 whatever, and they had been corresponding with the worker. And then the worker
17 sent them something official, something that req--was supposed to have been done
18 by time certain. And the worker, I guess, was timely, but nobody knew about it
19 because the adjuster was on vacation.

20 And so the question, I think, was should there be any limits on the
21 comm--the kinds of communication? And we talked about, you know, making it
22 more--looking at the evidence, or making sure the information is relayed and you
23 can ensure that it was relayed, versus the method. But are there any places in the
24 rules where, yeah, there really needs to be some kind of--you know, don't do that,
25 that kind of thing? Or it's not--it doesn't count if you do it, I guess, would be one way

1 of looking at it. So I'm just throwing that out there.

2 MS. FLOOD: I think that's a really valid point, because for workers who
3 are communicating through e-mail-- Well, I know there are several adjusters-- E-mail
4 is the fastest way to get a response back from our office, but I don't give out an
5 adjuster's e-mail to the worker unless the worker already had it when--because there
6 are several situations where the companies do not want the workers directly having
7 the adjusters'-- Am I talking really loud?

8 MR. BRUYNS: No, it's fine.

9 MS. FLOOD: Their direct e-mail. And I believe that part of that is for
10 that reason. Because if...

11 MR. BISHOP: Yeah.

12 MS. FLOOD: If they send it directly to Larry, and Larry's off in the
13 Bahamas for three weeks, they're not going to get that. But if there's a general e-
14 mail box that would be available to the worker-- I don't know how SAIF does it.

15 MS. FRASER: Direct. We do direct communication, don't we?

16 MR. BISHOP: So--

17 MS. FRASER: Yeah.

18 MR. BISHOP: --Larry at Sedgwick. So I think I kind of brought this up,
19 because...

20 MR. BRUYNS: I don't want to put you on the spot, Larry, but...

21 MR. BISHOP: Well, because it's come up in dispute, medical review,--

22 MS. FLOOD: Yeah.

23 MR. BISHOP: --when something was received by Sedgwick. And it had
24 been received in an inbox of an individual at Sedgwick, so it's
25 abc@sedgwickcms.com. Well, that's not our central mailbox for mailing to the office.

1 But it was received at Sedgwick, and so (unintelligible) says, you got it, even though
2 the examiner was gone and didn't catch the e-mail when they got back, you know,
3 somebody should have caught it at your end.

4 So for my concerns at Sedgwick, I would--if there's going to be an
5 ability to e-mail, you know, as proof of mailing, sending that to Sedgwick by e-mail is
6 fine. It's got to be to a central mailbox, and there's got to be some limitation on the
7 rules that don't allow it to go to an individual mailbox.

8 MR. SCHMELLING: We share that concern, too, in that we have fax
9 numbers that aren't official fax numbers. And if we did move towards an e-mail
10 exchange as a form of communication, it would be to our official centralized--this is
11 our e-mail inbox where we'll accept that, or this is our central fax number, because
12 who's employed with you today might not be employed--

13 MS. FLOOD: Right.

14 MR. SCHMELLING: --with you tomorrow.

15 MR. BISHOP: It's not fair to the worker. If the worker sends a--

16 MS. FLOOD: Right.

17 MS. FRASER: Yeah.

18 MR. BISHOP: --reimbursement request to somebody who's not there,
19 they expect something to come back and they don't get anything. Maybe they've got
20 an I'm out of the office e-mail back, but maybe not. So it impacts the worker, too.

21 MR. KAFKA: But if you start doing that, then you're putting the burden
22 on the worker to keep straight which e-mail addresses at Sedgwick or SAIF they
23 need to be using for specific purposes.

24 MR. BISHOP: No. Sedgwick has one mailing address, Sedgwick has
25 one phone number. Central. That shouldn't be complicated. We have a central

1 mailbox. One mailbox, one phone number, one fax number. That's our central
2 number.

3 MR.DELATORRE: And the e-mails come out from a central box or--

4 MR. KUNZ: Yeah. That...

5 MR.DELATORRE: --do you have e-mails--

6 MR. KUNZ: Yeah. That's the thing is,--

7 MR.DELATORRE: --coming out from adjusters going to...

8 MR. KUNZ: --you know, when you send out a letter, the return address
9 is Sedgwick's address, and I--

10 UNIDENTIFIED SPEAKER: Yes.

11 MR. KUNZ: --can look on the envelope. But you know, if the adjuster
12 sends out an e-mail and that has the adjuster's e-mail address as the sender, as
13 opposed to the central e-mail,--

14 UNIDENTIFIED SPEAKER: E-mail communication...

15 MR. KUNZ: --then, you know, if I just ret--reply to it-- And oftentimes,
16 that's what we do. When we get an e-mail, we just reply to it.

17 MR. BISHOP: Well, there is--

18 MR. KUNZ: And so...

19 MR. BISHOP: --informal communication going on, you know, at that
20 level.

21 MS. FLOOD: But we're talking about the....

22 MR. BISHOP: I'm talking about the formal...

23 MR. KAFKA: Yeah. But then you're now walking down the road of
24 asking the worker, who--okay, let's face it, they're not always the most sophisticated
25 people, to keep track of--okay, oh, this is formal, so I need to send it to this e-mail,

1 and this is just an informal reply to the claims adjuster, so I need to send it to this e-
2 mail address. It becomes-- And quite frankly, I...

3 MR. BISHOP: My response to that is, then we shouldn't the e-mail.

4 MR. KAFKA: Well, but there are-- You know, I'm sure you guys could
5 think of solutions that could be implemented within your technology to prevent these
6 kind of issues from happening.

7 MR. BISHOP: Well, we're working on that. We're working on that.

8 UNIDENTIFIED SPEAKER: I mean, that's a prime example of how a
9 portal, you know, really benefits, is that communication can be submitted there, and
10 then it can go to whoever really needs it at the time, whether or not the adjuster is
11 actually with the company or on vacation or whatever.

12 MR. BISHOP: Well, but that's a central e-mail portal. It's the same
13 thing.

14 MS. FLOOD: Is that why we get those e-mails that say, do not respond
15 to this e-mail? I mean, you know how you get those at home.

16 UNIDENTIFIED SPEAKER: Yeah.

17 MS. FLOOD: That might be one of the reasons.

18 UNIDENTIFIED SPEAKER: Because, yeah, it is a generic account.

19 MS. FLOOD: Yeah.

20 MR. BRUYNS: I think those often are, like, large mass e-mails sent.

21 MS. FRASER: Yeah.

22 MR. BRUYNS: And yeah, they don't--there's nobody monitoring, you
23 know, what might come back.

24 MS. FRASER: Well, in fact, the notice often says no one is monitoring-

25 -

1 MR. BRUYNS: Yeah.

2 MS. FRASER: --this e-mail address. But I--it seems to me that there's
3 a difference between official e-mail correspondence,--

4 MR. BISHOP: Right.

5 MS. FRASER: --and then communication--

6 MR. BISHOP: Communication.

7 MS. FRASER: --between an adjuster actually managing the claim
8 and...

9 MR. BISHOP: So, like, the e-mail between the adjuster and the
10 Claimant is like the phone call. It used to be the phone call.

11 MS. FRASER: Yeah.

12 MR. BRUYNS: And that's...

13 MR. BISHOP: But the phone call didn't accept reimbursement
14 requests. The reimbursement requests had--

15 MS. FLOOD: Right.

16 MR. BISHOP: --to be mailed to the--

17 MS. FLOOD: Yeah.

18 MS. FLOOD: Right.

19 MR. BISHOP: --central address. So I understand they're the same
20 technology. One's an e-mail, another one's an e-mail. And maybe that's complicated
21 in some cases to keep separate, but--

22 MS. FLOOD: Well, then, I can't tell you how many times...

23 MR. BISHOP: --there's no way technologically that we can find to say
24 we can identify this e-mail that came in to this examiner who was, you know,--

25 MS. FLOOD: Yeah.

1 MR. BISHOP: --on vacation...

2 MR. KAFKA: Yes, you can. That's not a difficult problem to solve.

3 MR. BISHOP: I'm not the technology...

4 MR. BRUYNS: Okay. Is there...

5 MR. BISHOP: Just old.

6 MR. BRUYNS: Is there a solution to that in the rules? I guess I'm just
7 throwing it out there. What would the ru--how could the rules address that and try to
8 keep that from happening? Or is it an internal business practice that, you know, you
9 should have complete control over that, you could have only correspondence back
10 to central e-mail boxes or I do have to-- I do understand the natural tendency just to
11 hit reply, because that's what I would do. When I was corresponding with my bank, I
12 never thought, well, this one, I better use their secure system, because they did
13 have one, and I didn't.

14 MR. KAFKA: I feel pretty strongly this needs to be something that's left
15 up to the internal business practices. I think one of the principles we articulated
16 earlier on is to maybe--probably best to keep the rules on the minimalist side. And
17 right here, we're going down a rabbit hole, talking about toying with getting--having
18 rules get very specific about what kind of correspondences can go through what kind
19 of channels, and--you know, and I think it probably would end up encumbering
20 things more than it would help.

21 MS. FRASER: I guess one of the things I'd like us to consider is a rule
22 that pretty much says delivery--or that mail, rather than mail--or every place that the
23 rules say mail that it's really talking about delivery. And electronic signatures--then
24 we have to follow up on that--are good as long as they're in compliance with the--
25 What is it? The Electronic Signature Act that is law in Oregon now. So you have to

1 comply with it, but-- And I like--I think--I guess I agree with Chris that we should be
2 talking about the big, general requirements, and then leave it to individual business
3 practices. The only thing, I think, that we need to probably put in a rule is that the
4 injured worker has the right to opt in for the electronic, as opposed to it's a business
5 practice, that we're going to send everybody everything electronically.

6 MS. FLOOD: Right.

7 MS. FRASER: I think the worker-- And I think that needs to be a rule.

8 MR. MARTINEZ: And then, Fred, this is Joe again. What type of
9 information can be sent electronically? And will there be a need to encrypt the
10 information to protect the PHI, et cetera, et cetera? So that there are rules beyond
11 just how we can communicate. There are HIPAA rules and violations that potentially
12 can exist through--if they are poorly encrypted or not secure e-mails that could put
13 everyone on this call potentially in some issues with--related to PHI permission. So
14 that had to be a huge consideration in this,--

15 MR. BRUYNS: Yeah.

16 MR. MARTINEZ: --for us anyways. From our provider perspective, it's
17 critical that we protect PHI at all times. So that has to be a big consideration, and
18 any rule related to this.

19 MR. BRUYNS: Thank you, Joe.

20 MS. FRASER: Yeah.

21 MS. FLOOD: And on the flip side of the worker having the choice, I
22 deal more with the worker wanting the choice and the company or the insurer not
23 having the ability of doing electronic deposit or texting or e-mailing. Today, the world
24 has changed more. They said, well, can't they just--I just want it electronically
25 deposit it, and there's still plenty of companies out there that will not do electronic

1 deposit of funds.

2 MR. BRUYNS: So do you think that the rules should make it optional
3 for the worker, but make it, perhaps, required for the insurer, the payer or the
4 processor to--if the in--if the worker wants to, to make it then...

5 MS. FLOOD: Oh, I would love to say that, but that wouldn't be very
6 reasonable.

7 MR. BRUYNS: Oh. Well, it's just--it's--well, it's just a question.

8 MS. FLOOD: Right.

9 MR. BRUYNS: Yeah.

10 MS. FLOOD: Right. I mean, there's large insurers that are not set up to
11 do--

12 MR. BRUYNS: Okay.

13 MS. FLOOD: --electronic deposit of payments. And there's plenty of
14 workers and widows that say, can't you, the state of Oregon, force them to do that?
15 And unfortunately, we don't have the ability of forcing them to. And I don't know that
16 it would be a reasonable expectation to push on companies.

17 MS. FRASER: I think it's a great idea. Why wouldn't you?

18 MR. BISHOP: Well, but how can you force a smaller...

19 MS. FLOOD: Right.

20 MR. BISHOP: Yeah, maybe some small companies.

21 MS. FRASER: No, I'm not talking the small companies.

22 MR. BISHOP: I mean, I do it, you do it. Liberty probably does it.

23 MS. FRASER: We're not talking the small companies.

24 UNIDENTIFIED SPEAKER: Hartford does it.

25 MS. FRASER: We're not talking small companies. It's the big

1 companies, because they're often behind the gun.

2 MR. BISHOP: Well, if the Division wants to.

3 MS. FRASER: Yeah. It's up to him. It's not my--it wouldn't break my
4 heart.

5 MR. BISHOP: Business practice...

6 MR. KAFKA: Actually...

7 MR. BISHOP: It scares me a bit.

8 MR. KAFKA: And I will bet you that some of them are still doing paper
9 because they are playing some cash management games.

10 MS. FLOOD: And that's very--that's--

11 MS. FRASER: Yeah.

12 MS. FLOOD: --very possible.

13 MS. FRASER: Yeah.

14 MS. FLOOD: And I'm not necessarily talking about-- I mean, time loss--
15 -it's wonderful for the companies that do time loss that way, but the ones that I get
16 the biggest push on are fatals and PTDs.

17 MS. FRASER: But there are limitations. Bank--there are banking
18 limitations on large deposits, so that might be some of that.

19 UNIDENTIFIED SPEAKER: Has (unintelligible) done it?

20 MS. FRASER: That's federal banking. Yeah, anything over \$10,000, I
21 think.

22 MR. BRUYNS: So I didn't want to get too focused on the one example
23 that I mentioned. But in terms of, you know, potential--things that can potentially go
24 wrong with all of this and that we ought to be aware of going into so that we're not
25 then la--we don't later say, oh, gee, we didn't know that was going to happen. And

1 when maybe some of you have already experienced that it has happened, or you
2 think it may happen, are there, you know, potential problems out there that you've
3 either had happen or you think may happen where-- Electronic communication helps
4 most people, but once in a while things go terribly wrong.

5 MS. FRASER: I think that cybersecurity issues are something that we
6 all face on a daily basis both personally and professionally. Our--you know, our
7 business--we spend a lot of time and energy making sure that our systems are
8 secure, hoping they're secure. I heard one expert say that, you know, the real joke is
9 companies who think they haven't been infiltrated. It's--you know, it happens. But I
10 also know that mail gets lost, it goes to the wrong address. I had a neighbor who
11 brought down my football tickets because my football tickets were delivered to the
12 wrong address. Fortunately, they brought them to me.

13 MS. FLOOD: Oh, wow. Yeah.

14 MS. FRASER: But that was a perfect example of--they just got mailed
15 to the wrong place. There is an address in my neighborhood that has the same
16 house number, but the street is different. We constantly are exchanging
17 documentation. It's less of a problem now because I've cut off bills and all those
18 things because I do it electronically. But so I know that if we think that faxing things
19 or mailing things doesn't create risk-- I just think we don't know it as much. So I
20 mean, there are horror stories. And yeah, you can find them, but...

21 MR. BRUYNS: We definitely know about fax machine errors where--

22 MS. FRASER: Oh, yeah.

23 MR. BRUYNS: --one digit wrong, it goes to the wrong fax machine.

24 MS. FRASER: Yeah.

25 MR. BRUYNS: It had somebody's personal--

1 MS. FRASER: Yeah. Yeah.

2 MR. BRUYNS: --information on it. Then you're in a situation where
3 under the law you have to contact the person, give them free credit history checks
4 and all kinds of things.

5 MS. FRASER: Yeah.

6 MR. BRUYNS: It's very--obviously very embarrassing for the agency,
7 and I'm sure for anybody around this table, to have that happen.

8 MS. FRASER: Yeah.

9 MR. BRUYNS: So yeah, nothing is without risk. But, you know, if it's
10 something we can avoid, some problem that we could easily avoid going in, then we
11 would certainly want to do that. So I'm not hearing a lot of negative impacts. Larry
12 gave an example of, you know, a case where it obviously was harmful to some
13 parties. Either the worker didn't get something on time, and then there was a dispute
14 that went on for some time.

15 MR.DELATORRE: As a former Comcast technical support...

16 MS. FRASER: Oh, you admit that?

17 MS. FLOOD: Oh boy, we're in trouble now.

18 MR.DELATORRE: E-mail addresses go away,--

19 MS. FRASER: Yes, they do.

20 MR.DELATORRE: --and people don't realize it. So if you're a Comcast
21 customer and you have a Comcast.net e-mail address, when you stop your Comcast
22 service, your e-mail address goes away, for example. I don't know why people don't
23 use Gmail, but it's a different question.

24 MR. BRUYNS: Yeah. I have noticed that, you know, maybe ten years
25 ago people's e-mail addresses seemed to change, like, monthly, and it didn't work

1 well at all. But anymore, I don't get very many, you know, undeliverables. It still does
2 happen, though, and the example you gave is real. Anybody who ties their e-mail to
3 their internet service provider better hope they stay with them forever. Because
4 otherwise, they're going to have to do a lot of work to reconnect everything to a new
5 account. You get all kinds of warnings now if you want to cancel an e-mail account.
6 They give you all sorts of--do you know what's going to happen with your bank, do
7 you know what's going to happen-- You have to check all these boxes before...

8 MS. FRASER: It's also a good way to get rid of all the spam.

9 MR. BRUYNS: Yeah, that's true.

10 MS. KARMA: Fred, I had a comment. MS. KARMA. I don't know how
11 their organization's e-mails necessarily work, but having been with the state for a
12 while-- Not necessarily this was an issue within Workers' Comp. But I've received e-
13 mails where, essentially, we were told that there was an issue with the state's e-mail
14 system or whatever server where we were on, where we were unable to accept e-
15 mails from externals for, let's say, the last 24 hours. So if you were expecting
16 something, please reach out to whoever that person was to let them know that we
17 were unable. So I don't know what that would necessarily--

18 MR. BRUYNS: Yes.

19 MS. KARMA: --do or where...

20 MR. BRUYNS: System--yeah, system downtime. You know, we always
21 hope that they're going to get backed up somewhere and they're going to get to you
22 within 24 hours or whatever. But has anybody experienced anything like that where
23 there's just basically a technological glitch, computer system's down or what have
24 you, and so you're not hearing from the rest of the world for a while? And I don't
25 know...

1 MS. FLOOD: Just like when our phones go down.

2 MR. BRUYNS: Right.

3 MS. FLOOD: There is something flying. I'm not crazy.

4 MR. BRUYNS: I know that.

5 MS. FRASER: Well, e-mail addresses do go away, but so do live--real
6 street addresses.

7 MR. BRUYNS: Right.

8 MS. FRASER: And then we spend a fair amount of time chasing those
9 addresses.

10 MR. BRUYNS: So...

11 MR.DELATORRE: Addresses might go away more often than e-mail
12 addresses now.

13 MS. FRASER: I almost think, yeah.

14 MS. FLOOD: And then there's other people living there.

15 MS. FRASER: Yeah. Yes. Yes.

16 MR. BRUYNS: So--and I'm not...

17 MR. BRUNOT: When there's a system down-- I keep going back to the
18 eFile thing. But when they're doing something that's on that eFiling, they just send
19 out a notice beforehand saying, hey, we're going to be down for the next 12 hours
20 starting in three days, we're going to do some maintenance. Now, if it's an
21 emergency thing, that's where I shouldn't have waited until 11:59 or 4:59 to do it.

22 MS. FRASER: Jerry.

23 MR. BRUNOT: But the advance notice-- It's like a street closure or
24 something.

25 MS. FRASER: Yeah.

1 MR. BRUNOT: Don't take this route, don't depend on this for the next
2 30 days.

3 MR. BRUYNS: Yeah, the expected downtimes are--yeah, it would be
4 a--more than a courtesy. It would be a--I would think an expectation to let people
5 know.

6 MR.DELATORRE: So have the experiences with the WCB web portal
7 been positive--

8 MR. BISHOP: Yeah.

9 MR.DELATORRE: --so far?

10 MS. FRASER: Yeah.

11 MS. FRASER: Well, and I think ultimately-- You know, we want to talk
12 security, because a lo--I think that's the big concern. And Joe, I think, was talking
13 about protecting people's PHI. And I think we all want to do that, because we have
14 not just PHI, but we also have financial information for our policyholders. So I think
15 the portal, again, is one of the ways to improve the security, because just simply e-
16 mailing stuff out is certainly risky, which is why-- Larry, you were talking about--

17 MR. BISHOP: Yeah.

18 MS. FRASER: --the push technology. I think push technology, that you
19 maybe e-mail, text, whatever the person, the worker, the policyholder, whoever,
20 provider, has said, yes, you know, send me this. Then we can say, this is available,
21 this is available. And then you can trace when they've come--when someone has
22 come in to read whatever you've told them is there. They haven't. It takes people a
23 little while to get used to it, but it's...

24 MR. BRUYNS: So they have to log on to a secure system, then,--

25 MS. FRASER: Yeah.

1 MR. BRUYNS: --and they can get whatever you want--

2 MS. FRASER: Yeah.

3 MR. BRUYNS: --that would be--need to be kept secure? I see.

4 MS. FRASER: Well, and again, that's what banks do now. That's--

5 MR. BRUYNS: Right.

6 MS. FRASER: --what a lot of medical providers-- Again, Kaiser, my
7 personal experience. And it's pretty slick.

8 MR. BISHOP: That's what we do when we put data in for audits. We
9 go to a portal.

10 MS. FRASER: Yeah.

11 MR. BISHOP: Workers' Comp Division.

12 MS. FRASER: Yeah.

13 MR. BISHOP: And is the BizCom e-mail that I use that's encrypted, is
14 that through a portal process or is that just...

15 MR. BRUYNS: That's not a portal per se.

16 MR. DELATORRE: But it's also--but it's an FTP--

17 MS. FRASER: FTP site.

18 MR. DELATORRE: --security...

19 MR. BRUYNS: It is secure, yeah. We have BizCom, as well.

20 MR. BISHOP: Yeah, it's secure. So as long as I have access to get
21 into that, then I could e-mail through that.

22 MS. FRASER: Yeah. But what's slick about the portal is that you can
23 actually do the e-mailing right there inside the other system.

24 MR. BISHOP: Much more secure.

25 MS. FRASER: It's much more secure.

1 MR. BISHOP: Yeah. Yeah.

2 MR. BRUYNS: Yeah, I think I'd like to spend some more time talking
3 about some of the specific limitations in the rules and security, maybe any other
4 additional barriers, more specific barriers. We'll get a little more specific than we've
5 been. But it's just about 10:15. So if we could take maybe a 15-minute break and
6 definitely get restarted by 10:30, then we'll talk about this as long as it takes. And I
7 think it's been a really excellent conversation so far, so I really appreciate it. But at
8 this point, I'm just going to pause the mic and...

9

10 (off the record)

11

12 MR. BRUYNS: Okay. The recorder is on again. So if we can move to
13 page two of our agenda and look at the barriers, a few of the barriers? We've
14 already talked about some of them. But although I said we're probably not going to
15 get way down in the weeds and discuss, you know, how we might specifically
16 change all of these rules here, we-- It would take us weeks to do that if we were
17 going to actually do it right.

18 But if we look at--it says page 3 of 22, and it has just an example from
19 Division 1 under Rule 436-001-0004. It says, "Filed means mailed, faxed, e-mailed,
20 delivered or otherwise submitted to the division." And so that's pretty broad. When
21 you get to mailed, however, it says, "Means addressed to the last known address
22 with sufficient postage, and placed into the custody of the U.S. Postal Service." And
23 it goes on a little bit from there, because I didn't put--include it all.

24 And some of our other rules will include facsimile transmission in the
25 definition of mail, and even one or two will say, if telephone service is allowed, then--

1 you know, then it would be actually the date of the call. So I guess, you know,
2 maybe it's an obvious question, but is this one of the barriers to electronic
3 communication, our definition of mailed? I'm not sure where it comes from. It could
4 be statutory and-- You know, we have to at least be aware of that. But whether it is
5 or not, it looks like a barrier to me. Anybody not see it as a barrier?

6 MR.DELATORRE: Well, maybe-- And this is an example. I want to
7 caution--so if we do go forward with this--

8 MR. BRUYNS: Uh-huh.

9 MR.DELATORRE: --with making rule changes based on these
10 concepts, I'd want to caution against it being a--just kind of like a blind replace all.

11 MR. BRUYNS: Oh, yeah.

12 MR.DELATORRE: (Unintelligible.) Because at least in Division 1, it
13 uses filed and mailed distinctly.

14 MR. BRUYNS: Oh, yes. Yeah.

15 MS. FRASER: Right.

16 MR.DELATORRE: So when it says mailed, it means mailed. When it
17 says filed, it means all those different...

18 MR. BRUYNS: Absolutely.

19 MR.DELATORRE: So that was--I think it was done intentionally.

20 MR. BRUYNS: Oh, I'm sure it was intentional.

21 MS. FRASER: Are you suggesting that that would be a problem?

22 MR.DELATORRE: No.

23 MS. FRASER: Okay. I just want to be clear.

24 MR. BRUYNS: Well, yeah. I think it would be a problem, yeah, to do
25 global replace in Chapter 436 and just, you know, sear--find and replace. That could

1 be a little risky.

2 MR.DELATORRE: Yeah. I don't think anyone was saying it, but I just
3 wanted to--

4 MR. BRUYNS: Yeah.

5 MR.DELATORRE: --make it clear that (unintelligible) should not
6 replace any mention of mailing, because sometimes you do want to refer to mailing
7 specifically.

8 MR. BRUYNS: So I guess the question was--would be whether the
9 definition of mailing could be broadened, I mean, if allowed under the statute. And
10 then, you know, whether it should be is another question. And that's why I'd be
11 interested in what you think of this or whether there are other barriers like certified,
12 registered and on. We talked a little bit about that, and looking more at the evidence
13 or the actual communication that needs to take place. And then in terms of what has
14 to be proof of service, if there can be other means of proof of service, maybe to look
15 at that and not use some of the buzzwords or the terms like certified, registered. So
16 just want to get any possible barriers out there so that we know what they are and
17 can take them to future rulemaking advisory committee meetings, especially if we
18 can have some recommendations from this group.

19 MR.DELATORRE: Well, I think you said it, but-- So certified mail is a
20 process and--

21 MR. BRUYNS: Right.

22 MR.DELATORRE: --kind of a product provided by the U.S. Postal
23 Service. Coming up with some sort of definition that applied to electronic
24 communications that encompass that same--

25 UNIDENTIFIED SPEAKER: Concept.

1 MR.DELATORRE: --concept would be--

2 UNIDENTIFIED SPEAKER: Right.

3 MR.DELATORRE: --doable, but tricky.

4 MR. BRUYNS: Yeah. And I don't know about--I don't know enough
5 about registered mail, but they'll often be used in the same rule, by registered or
6 certified mail. Is there anything special about registered mail that makes it a different
7 animal we need to be careful around?

8 MS. FRASER: I don't think so.

9 MR. BISHOP: Certified. I don't know what registered means.

10 MS. FRASER: Yeah.

11 MS. FLOOD: I think we put that in there when we substituted the Pony
12 Express.

13 MS. FRASER: Well, I think if you look at--I think the first thing you have
14 to look at is the statute and make a determination of-- We were talking to Fred about
15 656.726 and its--you know, the provisions. I think we have to figure out how those
16 two sections in the statute work together or don't, and make--because I think there's
17 a certain amount of limitation there.

18 MR. BRUYNS: When you say the two sections in the statute, what...

19 MS. FRASER: Right. So...

20 MR. BRUYNS: In addition...

21 MS. FRASER: Well, seven. Seven. I'm sorry. You're right, I wasn't
22 being clear. Sorry. But 656.726 basically allows the Director to promulgate
23 regulations, allowing for electronic communications.

24 MR. BRUYNS: Okay.

25 MS. FRASER: So then the question becomes if you have a stat--if you

1 have a statutory requirement for mailing, does 656.726 allow the Director to provide
2 otherwise? Is that clear?

3 MR. BRUYNS: It is.

4 MS. FRASER: I think that's the question.

5 MS. FLOOD: Well, and if...

6 MS. FRASER: Jerry, are you still there?

7 MS. FLOOD: Jerry?

8 MR. BRUYNS: Jerry?

9 MS. FRASER: Okay. He's probably on the phone.

10 MS. FLOOD: In statute--I'm not recalling, and that's where Jerry would
11 have been handy, that there may be some provisions already in the statute that say
12 it has to be certified. I don't know about--

13 MS. FRASER: Uh-huh. Yeah.

14 MS. FLOOD: --registered, but certified mail.

15 MR. KAFKA: For those of you interested, I looked up the difference
16 between certified and registered.

17 MS. FLOOD: Oh, good.

18 MS. FRASER: Oh, good.

19 MR. KAFKA: So they're very similar except, that in the case of
20 registered mail there's a higher level of security, and they require that it's transported
21 through a--well, through safe means such as locked cages, and that at each handoff
22 in that process there's a signature certifying that handoff.

23 MS. FRASER: So that's the registered?

24 MR. KAFKA: That's--yeah, that's registered.

25 MS. FRASER: Okay. Thank you.

1 MS. FLOOD: Wow.

2 MS. FRASER: So that's like return receipt requested.

3 MS. FLOOD: I bet you that's expensive.

4 MS. FRASER: Kind of. So we've got certified; certified, return receipt
5 requested; and registered.

6 MR. KAFKA: And you can get return receipt with either one.

7 MS. FRASER: Okay.

8 MR. BRUYNS: I'd have to check, but I don't think we have any rules,
9 and I don't think I've ever seen anything in statute that says it has to be done by
10 registered mail and not use the term certified. It's always been certified or registered,
11 or registered or certified. So registered is a higher level, but apparently certified is
12 the satisfactory level in every case--

13 MS. FRASER: Yeah.

14 MR. BRUYNS: --that those terms are used, at least as far as I know.
15 We also do make some references to mail being, you know, placed into the custody
16 of the U.S. Postal Service or--and we refer to U.S. mail, and those terms are really
17 clearly the post office process. And so I'm assuming that those are absolute barriers.
18 And if they're statutory, we'll have to look at that. But if they're not, then we would
19 have some discretion.

20 MR. DELATORRE: I mean, I'm guessing that some investigation of the
21 legislative history of 656.726(4)--maybe there it will give us some insight into what
22 the intended scope of that exception in authority was intended to be.

23 MR. BRUYNS: I believe it came in at the same time. It might have
24 been Senate Bill 559 when they did the--

25 MS. BERTELS: Yeah. Yeah.

1 MR. BRUYNS: --proof of coverage. They wanted to--basically, wanted
2 to implement EDI proof of coverage.

3 MS. BERTELS: Yep.

4 MR. BRUYNS: And I think while they were at it, they broadened that
5 out to...

6 MS. BERTELS: To--yes, to make them have it easier for EDI claims.

7 MR. BRUYNS: Right. It's mostly focused on EDI.

8 MS. BERTELS: That was the intention of that, .726(4).

9 MR.DELATORRE: And it comes immediately after a sentence referring
10 to mail or regular mail. So there's an implication that the intent was to allow the
11 Director to interpret that--was to allow an interpretation of mail-- regular mail which
12 would allow for electronic communication,--

13 MS. FLOOD: Yeah.

14 MR.DELATORRE: --potentially.

15 MR. BRUYNS: Any other barriers you'd like to draw our attention to?
16 And we already talked about, you know, should there be limitations for some types
17 of correspondence. I think I got it wrong when I referred to one of the items above as
18 meaning this other potential negative impact, so I guess we covered it all. I think
19 we're really down to talking about the risks of hacking and misrouting, and Joe is
20 concerned about personal health informa--or yeah, protected health information, the
21 HIPAA requirements.

22 And you know, we've already heard some solutions, the secure portal
23 idea, secure e-mail, and then recognizing there's nothing that's absolutely secure.
24 But where do you see the role of the rule specifically? You've identified some
25 solutions. But in terms of what the administrative rules should do, how restrictive

1 should the rules be in terms of how you may correspond?

2 MR.DELATORRE: Speaking as the person that the Division could
3 probably have to-- If we were to write a rule that we were to just set out how to
4 comply with HIPAA, being the person who would probably have to analyze how it's
5 supposed to be done, I'd be real reluctant to tell stakeholders how they're supposed
6 to comply with federal--

7 MS. FRASER: Yeah.

8 MR.DELATORRE: --requirements.

9 UNIDENTIFIED SPEAKER: They just have to comply.

10 MR.DELATORRE: Their subject entities were subject to these written
11 requirements. It's kind of up to each entity to know how they're supposed to comply
12 with federal law. I wouldn't want to tell them--

13 MR. BRUYNS: Okay.

14 MR. DELATORRE: --what's okay and what's not okay.

15 MS. FLOOD: Yeah.

16 MR. BRUYNS: Then without referring to HIPAA, then perhaps
17 protected health information, claim information which we protect here at the
18 Department--we don't just give it away.

19 MR.DELATORRE: That's also a creation of statute that's not under our
20 jurisdiction. It's the--I think it's in Chapter 601 of--

21 MR. BRUYNS: Okay. So it's...

22 MR.DELATORRE: --the statutes. It's not...

23 MR. BRUYNS: You mean the protected health information would be?

24 MR.DELATORRE: Yeah. It's not in Chapter 656.

25 MR. BRUYNS: What about claim information, then?

1 MR.DELATORRE: Claim information might be a different situation.

2 MS. FRASER: Of course, claim information is broader than health
3 information.

4 MR. BRUYNS: It is, yeah. Even the fact that someone has had a
5 Workers' Comp claim-- If someone were to call me up and say, I just want to check.
6 has, you know, John Smith had a Workers' Comp claim, or tell me about it, I can't
7 even say whether they had one or they didn't have one. Where in the old days, so to
8 speak, when I first was here, we used to get calls all day long, and I was answering
9 those phone calls. We'd just look it up and give--we'd just say any--and it would list
10 them. And then we think some of that was used for hiring purposes. Undoubtedly, it
11 was. Or not hi--or not hiring purposes.

12 MS. FRASER: Or not hiring.

13 MR. BRUYNS: Yeah. So we're very careful of that now. And so--but
14 again, what should the--being really concerned about it and careful about it, the
15 question would be, what can or should the rules do about it?

16 MS. FRASER: Do the rules need to do anything?

17 MR. SCHMELLING: The rules right now say this correspondence has
18 to be mailed, or it has to be mailed and sent certified. And then the rules, case law
19 and that says, okay, this is, at the other end, how you can prove or disprove delivery;
20 it was mailed to the last known address, it's considered mailed. So if the rules then
21 allowed for the electronic transmission--

22 MS. FRASER: Delivery.

23 MR. SCHMELLING: --and they said e-mailed, could it be e-mailed to
24 the last known e-mail address of the worker as provided to the insurer? Isn't that the
25 same thing as mailing it, then?

1 MS. FRASER: Uh-huh.

2 MR. SCHMELLING: And so the thing that you need to overcome, then,
3 is okay, if it needs to be e-mailed, certified, what does that mean? And I don't know,
4 can the worker, on their end, defeat a read receipt?

5 UNIDENTIFIED SPEAKER: No doubt, yeah.

6 UNIDENTIFIED SPEAKER: Yes.

7 MR. SCHMELLING: So how can we demonstrate it was delivered?

8 MR. BISHOP: Well, you'd have to show that you sent it.

9 UNIDENTIFIED SPEAKER: Yeah, that's...

10 MS. FLOOD: How would they be able to show that they did...

11 MR. SCHMELLING: So I guess that, from my perspective, is the
12 limitations that should be in the administrative rules, and not that you're sending it
13 over a secure e-mail system. That's our responsibility,--

14 MS. FRASER: Right.

15 MR. SCHMELLING: --to figure that out, instead of--

16 UNIDENTIFIED SPEAKER: It would be nice to have...

17 MR. SCHMELLING: --your responsibility to dictate to us, you can't
18 electronically communicate unless your electronic communication meets these
19 certain standards.

20 MS. FRASER: Yeah. Well, and I guess rather than them saying e-
21 mailing is okay, again, I'd like to move to some kind of a portal or electronic
22 communication, as opposed to saying this is the-- Again, because I just--technology
23 is changing so quickly that probably by the time you go to the legislature for your EDI
24 money, something else will be out there and you'll have to change what you're
25 asking for, if you're looking at, what, three years down the road. Everything

1 is--it's just crazy.

2 MS. FLOOD: With that being said, Facebook has come up from
3 adjusters saying, well, I saw it on Facebook. I wouldn't want an insurance company
4 using Facebook to deposit documents.

5 MS. FRASER: No. Oh, good grief.

6 UNIDENTIFIED SPEAKER: Can they do that?

7 UNIDENTIFIED SPEAKER: I don't think that would be HIPAA
8 compliant.

9 MS. FRASER: Yeah, I think that might be a problem.

10 MS. FLOOD: You can transfer money on Facebook? Well, that might
11 be a good...

12 MR.DELATORRE: Well, I mean, what's the difference between a text
13 messaging system and an e-mail and a Facebook messaging system--

14 MS. FLOOD: Right.

15 MR. DELATORRE: --or any other messaging app?

16 MS. FRASER: Well, I think that Facebook is probably less secure than
17 anything in the whole world, but...

18 UNIDENTIFIED SPEAKER: I'd be willing to wager.

19 MR.DELATORRE: Yeah, I'm not sure about that.

20 MS. FLOOD: Really?

21 UNIDENTIFIED SPEAKER: Really?

22 RYAN DELATORRE: Yeah.

23 MS. FRASER: Oh, God.

24 MS. KARMA: Well, with the others, you don't have stuff going into
25 spam and junk that nobody...

1 MR.DELATORRE: Right.

2 UNIDENTIFIED SPEAKER: Doesn't...

3 MR.DELATORRE: And there's a lot of messaging apps out-- And
4 there's messaging apps that have different functions. Like, there's Snapchat, where
5 the message disappears--

6 MS. FLOOD: Oh, yeah.

7 MR.DELATORRE: --after a short amount of time.

8 MS. FLOOD: Yeah, and where you can change the faces around.
9 That's pretty cool.

10 MR. BRUNOT: I mean, that's really nothing but an SLS code that
11 expires after, what, 20 minutes of being logged in. Sorry.

12 MR. BRUYNS: Okay. Well, I heard again about focusing on the what
13 and not the how. Is there anyone who thinks that we should have standards of
14 security? Just--I mean, it's just--we're just brainstorming. We want to get it all out
15 there. And I understand maybe some--there have been some points about maybe
16 not--that would be more of a business practice, again, and a company responsibility.
17 Does anyone think that the Division would have a responsibility to...

18 MR. BISHOP: I think it's ours individually, and I think it's yours--

19 UNIDENTIFIED SPEAKER: Yeah.

20 MS. BISHOP: --as an agency to...

21 MR. BRUYNS: If we sent something, yeah.

22 MR. BISHOP: What your system is designed to accept. It mean all
23 those parameters just-- There's federal law out there. There's--that's practices and
24 standards.

25 MS. FRASER: Well, and the downside for insurers in not keeping

1 information secure is that is ugly. I mean, that's...

2 MR. BISHOP: Yeah. Careful.

3 MS. FRASER: So we have every reason to be as careful as possible,
4 so...

5 MR. BRUYNS: There are certainly bigger players out there than the
6 Workers' Comp Division that would go after people who--

7 MS. FRASER: Yeah.

8 MR. BRUYNS: --release someone's protected health information, for
9 instance.

10 MR. MARTINEZ: Hey, Fred, this is Joe. Can we maybe get one
11 parameter here? And that would be that any communication with respect to Workers'
12 Comp information in that arena be limited to e-mail with respect to verifiable e-mail
13 addresses and exclude any communication that has to do with texting and
14 Facebook, and just clearly limit it to what is clearly defined as an e-mail, you know,
15 to like a legitimate e-mail business address like Concentra or like your organization
16 or something at SAIF or Sedgwick, and make that definition clear, and limit what we
17 want to talk about to that parameter and exclude everything else that may be out
18 there in terms of texting and whatnot, because then you're entering into too broad of
19 an arena. And if you limit it to verifiable e-mail communication, legitimate e-mail
20 communication, I think that would help in going down the scope of what we want to
21 accomplish here. Just my thought.

22 MR. BRUYNS: All right. Thank you, Joe. Any thoughts?

23 MS. KARMA: Doesn't that kind of defeat what someone said earlier, if
24 you're too restrictive? I mean, we know what's being stated right now, but there was
25 a time when there wasn't fax, there was a time that there wasn't e-mail. And so by

1 restricting some things and limiting it to what's e-mail, then don't you have to go
2 back and change it if there is something that comes out--

3 MS. FRASER: Yeah.

4 MS. KARMA: --a decade from now that replaces e-mail?

5 MR. KAFKA: I mean, I think some of the concerns that were cited here
6 about whether a message has been delivered or not--I know there are technologies
7 on the horizon that would address that. You know, for example, the--and specifically,
8 I'm thinking the technology underlying Bitcoin that has implications for messaging
9 services that--where you could, essentially, replicate either certified or registered
10 mail in electronic means. So--

11 MS. FRASER: Yeah.

12 MR. KAFKA: --I think if we start to insert language such as specifically
13 talking about e-mails in the rules, in four or five years, we'll have--you know, we'll
14 have exactly the same discussion.

15 MS. FRASER: Yeah. About the time we get these rules finished, we'll
16 have to go back and change it again.

17 MR. BRUYNS: Right. Well, let me ask you, Joe. The conversation here
18 has been mostly around--just in the last little while, as I say, having the rules
19 prescribed, what has to be relayed, and less how it's done. Do you think that your
20 concern can be addressed in terms of some kinds of parameters and a safety net, if
21 you will, by having the rules say--you know, state some essential requirements of
22 any kind of communication, probably electronic or otherwise, rather than the
23 method? And assuming that things that don't provide any kind of information trail
24 such as text, that--in fact, companies are not going to use those for anything like
25 official correspondence, because they're not going to--they're not going to have a

1 record of it after 20 minutes at least, or what have you, when it disappears. But I
2 do--I want to hear your concerns, Joe. I just want to find out if that kind of rule...

3 MR. MARTINEZ: Here's our stance on that, Fred. Anything related to
4 anything to a Workers' Comp case can only be communicated from our company
5 through e-mail. That's a very hard and firm rule for lots of purposes; number one, to
6 protect PHI and a bunch of other reasons. And that's our official stance. And it
7 makes sense that anything related to any case be officially communicated through
8 the official process of the company's website or the company's e-mail programming
9 and what e-mail source that we use. Nothing else can be communicated, sent, other
10 than that--if it's an e-mail format, through the company's e-mail. It has to be done
11 that way.

12 MR. BRUYNS: Right.

13 MR. MARTINEZ: Anything related to a fax has to be a company fax
14 number that's billed to Concentra. So that's my point. So, you know, you start-- I
15 know we don't want to limit this, but you have to have some drawdown on what
16 we're going to consider e-communication with respect to Workers' Comp. And I
17 think--you know, defining that first, I think, will help us going forward. That's just my
18 thought.

19 MR. BRUYNS: Okay. Well, thank you, Joe.

20 MR. SCHMELLING: I think it still gets back to the individual business
21 practice in regulating the businesses. SAIF has set up a web portal. That's our
22 electronic communication with workers. Who knows if we'll e-mail to workers
23 someday, or text workers someday, but our communication is through our My Claim
24 web portal. That's how we get the information to the worker. They can opt into that
25 process.

1 If SAIF wants to set up a business practice with Randy Elmer's law firm
2 where you say to us, we don't want mail anymore, and we set up some type of
3 secure transmission to where we can provide you discovery electronically-- Who
4 knows how that is. It could be by e-mail or some other-- That business practice--

5 MS. FLOOD: Having that ability, yeah...

6 MR. SCHMELLING: --shouldn't be shut down because the rules say
7 any business communication can only be done via e-mail or by the mail.

8 MS. FRASER: Yeah.

9 MR. SCHMELLING: I don't know what that would be, but it shouldn't
10 be restricted.

11 MS. FRASER: Yeah.

12 MR. SCHMELLING: IF WE HAVE...

13 MS. FLOOD: BUT IF A COMPANY WANTS TO RESTRICT IT TO E-
14 MAIL,--

15 MS. FRASER: THAT'S THEIR...

16 MS. FLOOD: --THEN THEY HAVE THE--

17 MR. BRUYNS: RIGHT.

18 MS. FLOOD: --ABILITY OF DOING THAT.

19 MR. SCHMELLING: So I don't think we're-- The rules shouldn't force
20 electronic communication on anyone except at WCD. You can force it on us if you
21 want. But then you're going to be looking at what's good for the entire industry--

22 MS. FRASER: (Unintelligible) system.

23 MR. SCHMELLING: --to communicate information to you. But we--
24 SAIF shouldn't be able to force a certain communication style on all of the folks that
25 we do business with. That wouldn't be right. But it also wouldn't be right to limit us to

1 only the U.S. Postal Service and e-mail.

2 UNIDENTIFIED SPEAKER: Right.

3 MR.DELATORRE: So should there be some sort of mandatory opt-in--

4 MS. FRASER: For workers?

5 MR.DELATORRE: --where the form of electronic communication is
6 chosen by the recipient party? I'm not sure how it would be phrased.

7 MR. SCHMELLING: For workers, definitely.

8 MS. FRASER: For workers, yeah.

9 MR. SCHMELLING: As far as...

10 MS. FLOOD: Like, mandatory for workers?

11 MR. BISHOP: No, no. no.

12 MS. FRASER: No, no, no. Opt-in.

13 MS. FLOOD: Oh, opt-in. Opt-in

14 MR. SCHMELLING: Opt in to the communication.

15 MS. FRASER: YEAH, WE'RE GOOD ON THAT.

16 MR. SCHMELLING: If we went to a healthcare provider and said, the
17 only way for you to submit bills to us is through this electronic means, and they could
18 not do that, they say no. Right there, Division 9, this says how we submit. So there--
19 we're restricted because it's not allowed already in rule. So you can set up-- And it's
20 still got to be a two-way communication. And we can't force our will on our business
21 partners, nor should we be able to.

22 MR. BISHOP: It's a business agreement between the parties.

23 MS. FLOOD: Flexibility, right.

24 MR. SCHMELLING: But to the extent that the rules now say, this is
25 how you can communicate, let's step towards electronic and say, hey, SAIF, we

1 recognize that your web portal is a good tool for providing workers immediate access
2 to their claims information, that meets the standards of the electronic communication
3 and the delivery of a Notice of Acceptance or a notice of appointment for an IME or a
4 denial, because it meets these parameters.

5 MR.DELATORRE: But SAIF wouldn't be able to tell a provider you
6 have to submit cl--reimbursement claims through the web portal?

7 MR. SCHMELLING: IT'S ALL OUTLINED IN DIVISION--

8 MR.DELATORRE: Right.

9 MR. SCHMELLING: --9 now.

10 MR.DELATORRE: So the suggestion is not to change any of those
11 other options and to permit--

12 MR. SCHMELLING: There always has to be--

13 MR.DELATORRE: --restrictions on it.

14 MR. SCHMELLING: --a standard default of--this is-- And if it makes--if
15 we can work out something with Kaiser for an electronic transmission of bills and
16 medical records that secure, don't restrict us in the administrative--

17 MS. FRASER: Yeah.

18 MR. SCHMELLING: --rules for setting up about communication.

19 MS. FRASER: Because again, all of it is a way to speed and improve
20 communication to make the system work better.

21 MR. KUNZ: We actually do have standard...

22 MS. FRASER: I know.

23 MR. KUNZ: I mean, other than--you know, we have an electronic
24 standard that you have to follow--providers have to follow.

25 MR. SCHMELLING: Yeah, really. Yeah.

1 MR. BRUYNS: Which is voluntary right now for--

2 MS. FRASER: Yes.

3 MR. BRUYNS: --providers, but mandatory--

4 MR. KUNZ: Correct.

5 MR. BRUYNS: --for most carriers, yeah.

6 MS. FRASER: To receive, yeah.

7 MR. BRUYNS: So any other--anything else you'd like to let us know
8 about risks, hacking, misrouting, what have you, and the role of the administrative
9 rules? So far, you know, we've heard--most of the members would kind of advocate
10 for us not being too specific about that, and telling you, well, you have to do it
11 according to such-and-such standard. And there's really a question about our
12 authority, since we are not--we're not the protectors of health information primarily,
13 and we're certainly not in a position to enforce HIPAA. But just anything at all in
14 terms of any risks out there that we have to address.

15 MS. FRASER: If you look at the statute where it talks about mailing
16 certified, it's usually at a point where there's something significant happening in the
17 claim.

18 MR. BRUYNS: Notice of Closure, particularly.

19 MS. FRASER: Notice of Closure. Somebody doesn't go to an IME. so
20 you close the claim. Those kinds of things. But again, I'm not sure that certified mail
21 actually improves the likelihood that the person is going to get it.

22 MR. BISHOP: Well, that was the intent.

23 UNIDENTIFIED SPEAKER: It's just the standard...

24 MR. BISHOP: That was the intent.

25 MS. FRASER: But then...

1 MR. BISHOP: I mean, that's the goal.

2 MS. FRASER: Yeah.

3 MR. BISHOP: You know, but how can you ever guarantee--

4 MS. FRASER: You can't.

5 MR. BISHOP: --the receipt? You can't guarantee the receipt.

6 MS. FRASER: You can't.

7 MS. FLOOD: And you have to have something to trigger those time
8 frames on those important documents that have appeal time frames.

9 MS. FRASER: Right.

10 MS. KARMA: This is Daneka. But isn't with certified mail on the Notice
11 of Closure--was the intent to ensure that the person received it or was the intent to
12 ensure that--

13 MS. FRASER: That we proved that we actually sent it.

14 MS. KARMA: --you're protected--

15 MS. FRASER: Yeah.

16 MS. KARMA: --and you can show that you sent it, in case they didn't?

17 MS. FRASER: Yeah.

18 MR. BRUYNS: So if some equivalent electronic process could
19 accomplish the same thing, then there should be no particular downside to that,--

20 MS. FRASER: Exactly.

21 MR. BRUYNS: --I guess.

22 MR. BISHOP: That's the push technology. That's the...

23 MS. FRASER: Yeah.

24 MS. FRASER: On top of everything else, I'm going to give you this
25 notice informally, a denial letter is being made, and it's going out certified, you can

1 pick it up if you'd like. So I mean, the courtesy, you know, that's important, but you
2 can't dictate that.

3 MR. BRUYNS: So that's what I have on the agenda. There were the
4 att--there's the attachment, which of course is quite long, and has-- A lot of it's
5 repeated, of course, over and over. It says mail, certified mail, registered mail,
6 written. It talks about the U.S. Post Office in some cases, in terms of being part of
7 the definition of mail. Is there anything in there that we haven't addressed directly or
8 indirectly in the course of our conversation that you want to draw our attention to
9 while we have the opportunity?

10 And I guess at this point I'd just open it up to absolutely anything that
11 you'd like to say that you'd like us to carry to future rulemaking committees. We did
12 already discuss this to some extent with a Division 60 process that--where we had
13 three meetings, I think, last August and September of 2015. And of course, it was
14 only one of those days we discussed, you know, the electronic barriers--or barriers
15 to electronic communication. And we did get some helpful input at that time. I think
16 you were there, MS..

17 MS. FRASER: Uh-huh.

18 MR. BRUYNS: So, you know, let us know what you would like us to
19 take to those future committees, as well.

20 MS. FRASER: I don't remember if I said this, but I think one of the
21 things that-- Just for the future going forward, as I mentioned before that we really
22 are looking for the day where we are just sharing data in fewer forms, and so I'd just
23 like to reiterate that things will move forward if we can think--we can focus on the
24 information that we want to push to workers, that we want to transmit between
25 medical providers and insurers, so we're just really focusing on what's the

1 information.

2 And then we have to figure out, of course, how to get the notices to
3 workers and that kind of thing. But I just--I see a day where we transmit data and it
4 populates, instead of having a--you know, the--like, a PDF of something that we are
5 e-mailing to you so you can take the information and data enter it, that we'll just send
6 you those data fields and it'll populate your system.

7 MR. BRUYNS: Well, certainly, with claims EDI, there wouldn't be a
8 Form 1502.

9 UNIDENTIFIED SPEAKER: Doing that...

10 MR. BRUYNS: There probably wouldn't be a Form 1503.

11 UNIDENTIFIED SPEAKER: 801?

12 MR. BRUYNS: Oh, there would probably be an 801 if the worker asked
13 to give something to their employer. I don't know how that would work in the future,
14 but who knows.

15 MS. FRASER: Who knows?

16 MS. BERTELS: Yes. I mean, we'll explore all of that stuff and all the
17 forms and everything, you know, when we're trying to figure out EDI claims, so...

18 MS. FRASER: Yeah. So as we go forward--I guess that's what we take
19 forward to other rulemaking. That was,--

20 MS. BERTELS: Yeah, absolutely.

21 MS. FRASER: --I think, what we would like to see.

22 MR. BRUYNS: That's sort of similar to the potential solutions to
23 whether it's electronic or whether it's paper, is to focus on the desired outcome, as
24 opposed to the methods--

25 MS. FRASER: Yes.

1 MR. BRUYNS: --so much.

2 MS. FRASER: Yeah.

3 MR. BRUYNS: The important thing is getting the information from one
4 party to another party. And the form it takes, whether it's a physical form, electronic
5 form, or just data, becomes less important.

6 MS. FRASER: Uh-huh.

7 MR. BRUYNS: There are--of course, as you know, with EDI we have
8 set some very exacting standards because we follow a national standard in most
9 cases, the IAIABC standard for proof of coverage now and medical, and we're kind
10 of committed to doing that for claims as well, just because-- Especially the national
11 companies that have, you know, bus--doing business in 50 states are quite a
12 majority of them. They don't want to have a standard for California and a standard
13 for Texas and a standard for Oregon, because it just raises their costs so much.

14 So if you have additional thoughts after this meeting, please shoot me
15 an e-mail, and we will include it all in the records. We will send you minutes of this
16 meeting. And I would encourage you to look at those, because we're going to try out
17 something new in terms of having a meeting transcribed. We're just trying to look at
18 the most cost effective way, because we know that when we type them--or if they're
19 relying on my typing skills, it probably costs the organization a whole lot. But it
20 seems like the transcription services, they must type at speeds that my mind could
21 certainly not keep up with. I can't think that fast to type that fast, so it's good that
22 some people can do that.

23 But we'll see if it's actually too much information and it dilutes the value
24 for you. And if you say you don't--I don't want to read this 50-page transcript, you
25 know, we'd want to know that as well. But rest assured, we are going to preserve it

1 all and refer to it as we go through rulemaking. And there's quite a bit of rulemaking
2 coming up, more than there has been for quite a while.

3 With that, I'll let you all go. And you've been a really nice group. I noted
4 a lot of agreement on a lot of things today, so that was very nice. But if you have--
5 even after this meeting, if you have any second thoughts, thoughts about--oh, no,
6 well, I--now I'm concerned, well, let us know that, too. So have a safe drive if you're
7 driving, or a nice walk if you're walking home.

8

9 (WHEREUPON, the proceedings were adjourned.)

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