

BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
OF THE STATE OF OREGON

In the Matter of the Amendment of)
 436-050, Employer/Insurer Coverage Responsibility) SUMMARY OF
 436-160, Electronic Data Interchange) TESTIMONY AND
) AGENCY RESPONSES
)

This document summarizes the significant data, views, and arguments contained in the hearing record. The public may obtain exact copies of the exhibits by contacting the Workers' Compensation Division, Fred Bruyns, E-mail: fred.h.bruyns@state.or.us, 503-947-7717; fax 503-947-7581, 350 Winter St. NE, Salem OR, 97301. The purpose of this summary is to create a record of the agency's conclusions about the major issues raised.

The proposed amendment to the rules was announced in the Secretary of State's *Oregon Bulletin* dated August 1, 2008. On August 21, 2008, a public rulemaking hearing was held as announced at 2:00 p.m. in Room 260 of the Labor and Industries Building, 350 Winter Street NE, Salem, Oregon. Fred Bruyns, from the Workers' Compensation Division, acted as hearing officer. Business Support Services audio-recorded the hearing and created a transcript. The record was held open for written comment through August 28, 2008.

No one testified at the public hearing. The public submitted one written document as testimony.

Testimony list:

Exhibit	Rule divisions	Testifying
1	160	Slawek Nagalewski, Liberty Northwest Insurance

Testimony: OAR 436-160-0355(4)

Exhibit 1

From a legal perspective, they seem fine with the exception of OAR 436-160-0355(4) where I believe "from" should be replaced by "for" as follows:

(4) If an employer elects to include any non-subject worker(s) **for** coverage, or subsequently to exclude such workers from coverage, the insurer must submit a transaction with a reason code for including or excluding a corporate officer, partner, member, sole proprietor, or any other person.

Response:

We agree with the testimony and will revise section (4) to replace "from" with "for," as recommended.

Dated this 17th day of September, 2008.
