



# Oregon

Kate Brown, Governor

## Department of Consumer and Business Services

Workers' Compensation Division

350 Winter St. NE

P.O. Box 14480

Salem, OR 97309-0405

503-947-7810

Toll free: 800-452-0288

Fax: 503-947-7581

[www.wcd.oregon.gov](http://www.wcd.oregon.gov)

### Industry Notice

Sept. 13, 2021

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

**Subject:** Civil penalties for insurer delinquency report nonresponse

This notice informs insurers that the Workers' Compensation Division will resume issuing civil penalties for insurer delinquency report nonresponse. Due to the effects of COVID-19, the division suspended issuing civil penalties for insurer delinquency report nonresponse in March 2020.

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

The division sends insurer delinquency reports each quarter (January, April, July, and October) to claim processors by certified mail. The delinquency reports identify missing claims data, forms, and related documents not reported to the division. Claim processors must respond to each item on the delinquency report within 30 days from the date on the cover letter included with the report.

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

The division expects claim processors to review and respond to the delinquency report in a timely and complete manner. Since 2017, the division has assessed civil penalties against insurers or self-insured employers for items not resolved by the deadline. Each unresolved item on the delinquency report that is more than 30 days from the report cover letter date is penalized.

If items on the delinquency report are not the responsibility of the claim processor listed, the processor must respond (with that information) within the 30-day time frame. Nonresponses will be subject to penalties.

Since organizations have become more accustomed to operating in the current business environment, and to help ensure that insurers file accurate and timely claim documents, the division will resume issuing civil penalties for insurer delinquency report nonresponse.

***Starting with the fourth quarter 2021 insurer delinquency report, the division will resume issuing quarterly nonresponse penalties.***

**Opt-in process for electronic reports**

The division can now provide PDF versions of the quarterly insurer delinquency report through secure email.

To receive the reports electronically, send an email to [Wcd.CLAIMSDELINQUENCY@oregon.gov](mailto:Wcd.CLAIMSDELINQUENCY@oregon.gov) with your name, email address, and the company you represent.

Once electronic delivery is requested, reports will no longer be sent via certified mail, starting with the next quarter's report.

For questions about the delinquency report, contact Quality Control Specialist Garilee Brown at [garilee.n.brown@dcbs.oregon.gov](mailto:garilee.n.brown@dcbs.oregon.gov) or 503-947-7596.

For questions about civil penalties, contact Sanctions and Medical Resolution Manager Rob Andersen at [robert.c.andersen@dcbs.oregon.gov](mailto:robert.c.andersen@dcbs.oregon.gov) or 503-947-7726.

Sincerely,

A handwritten signature in blue ink that reads "Sally Coen". The signature is written in a cursive, flowing style.

Sally Coen, Administrator  
Workers' Compensation Division

Distribution: Gov Delivery listserv (Insurers, self-insured employers, and service companies)