



February 25, 2019

Fred Bruyns, Rules Coordinator
Workers' Compensation Division
P.O. Box 14480
Salem, OR 97309-0405

RE: SAIF Testimony on proposed changes to OAR Chapter 436 Divisions 01,
10, and 15

Dear Fred:

As always SAIF appreciates the opportunity to participate in the advisory committee process and to provide its comments on the proposed rules.

OAR 436-001 – Multilingual notification

SAIF supports WCD's effort to ensure that workers understand the critical documents about their claims. SAIF is concerned, however, that the proposed April 1 implementation date for the proposed "multilingual notice" help page outlined in Division 001. SAIF's review of the proposed rules identified over 150 documents (e.g. letters and worker notifications) that will require inclusion of a multilingual notice. Before it can begin its programming, SAIF needs a final version of the "multilingual notice" (Form 440-5377). SAIF's information services division estimates it will take a minimum of 2-3 weeks of development time to program SAIF systems to generate the "multilingual notice", and an additional 3 weeks to test the programming changes; however, until SAIF's information services divisions reviews the final document these estimates, are just estimates. Additionally, if we are unable to recreate the form we will need to purchase additional technology to recreate the required fonts.

SAIF recommends a July 1, 2019 effective date to provide insurers and self-insured employers the opportunity to program company systems.

OAR 436-010-0210(6)(c) (new numbering)

SAIF recommends adding "out of state" to clarify the rule. Without track changes and SAIF's suggested additional language is in italics:

(c) If the insurer withdraws approval of the *out of state* attending physician, the insurer must notify the physician in writing:"

OAR 436-015-0030(6) This subsection requires MCOs to allow workers to treat off the MCO's panel when the MCO has fewer than three providers within a GSA willing to treat an injured worker. SAIF recommends that clarifying language be added specifying that the worker's off panel provider selection must be a provider available within the

GSA where the MCO does not have three providers willing to treat the worker. SAIF suggests adding "within the same GSA" as follows for both subsections (a) and (b):

- (a) ...For categories where the MCO has fewer than three providers within a GSA willing to treat a worker, the MCO must allow the worker to seek treatment outside the MCO from providers, *within the same GSA*,

SAIF believes this is consistent with the rule's intent to allow the worker to choose a physician within the worker's GSA, thus eliminating travel because there is not an available panel provider within the worker's GSA.

Please let me know if you have any questions regarding this testimony. Thank you for your consideration.

Sincerely,

Jaye C. Fraser

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