



October 26, 2017

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

RE: SAIF Corporation testimony regarding WCD's proposed rules to implement House Bills 2338 and 3363 (2017)

Dear Fred:

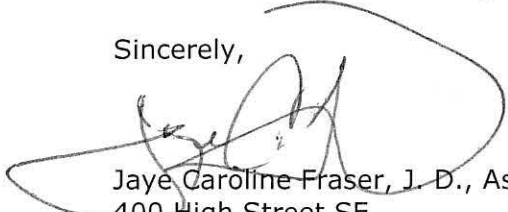
SAIF Corporation supports the rules the Workers' Compensation Division (WCD) proposes to adopt to implement House Bills 2338 and 3363. SAIF appreciates the opportunity to participate in the process and provide its perspective to WCD.

SAIF particularly appreciates the significant time and effort expended by the Management Labor Advisory Committee (MLAC) as it considered stakeholder recommendations for worker requested medical examination (WRME) eligibility when an attending physician has not concurred with an independent medical exam (IME) report. MLAC heard testimony regarding worker eligibility for WRMEs during multiple subcommittee and full committee meetings. MLAC thoughtfully discussed options to provide a remedy when attending physicians do not respond to a request to concur with an IME's conclusions. SAIF supports WCD's proposed changes to the WRME eligibility requirements. SAIF believes WCD's proposed amendments to OAR 436-060-0147 implement MLAC's recommendation and properly interpret ORS 656.325(1)(e).

SAIF respectfully suggests that if WCD determines a worker is eligible for a WRME based on the attending physician's lack of response that the eligibility order WCD issues will differentiate between the attending physician who affirmatively does not concur and the attending physician who does not respond to the request for concurrence.

Please let me know should you have any questions regarding SAIF's testimony.

Sincerely,



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