



January 5, 2021

FRED BRUYNS, RULES COORDINATOR  
WORKERS' COMPENSATION DIVISION  
PO BOX 14480  
SALEM, OR 97309

Re: Proposed permanent rules for processing workers' compensation claims for COVID-19 or SARS-CoV-2 exposure

Dear Fred,

SAIF Corporation (SAIF) has considered the Workers' Compensation Division's (WCD) proposed permanent amendments to OAR 436-060-0141. SAIF, as always, appreciates the opportunity to provide input on the proposed rule changes and urges WCD to reconsider the proposed changes to the temporary rule currently in place.

WCD's proposed permanent rule dismantles critical elements of the temporary rule by eliminating the requirement that insurers' reasonable investigation include obtaining a medical or expert opinion prior to issuing a decision and ending mandatory audits of COVID-19 claims for compliance with the rule. WCD initially promulgated temporary administrative rules following months of meetings by stakeholders, WCD and the Management Labor Advisory Committee (MLAC).

Promulgated at the urging of stakeholders, WCD's temporary rule was intended to create COVID-19 claim processing consistency amongst insurers to ensure that COVID-19 claims that were due to work-related exposure were accepted and to ensure denials issued only after a thorough and robust claim investigation where determining the source of exposure included an expert or medical opinion. Compliance with the claim processing rule was ensured by mandatory claim audits, which stakeholders agreed was an important safeguard. As a whole, the changes enacted by the temporary rule were applauded by labor and management stakeholders.

WCD's proposed permanent rule moves away from the foundational pieces of the temporary rule. The rules would no longer ensure a robust claim investigation nor would it ensure that deviations in claim processing are identified early and resolved timely through mandatory audits. SAIF urges WCD to maintain the balance that was struck by management and labor stakeholders by preserving the standard for a reasonable investigation and requiring audits of COVID-19 claims as set forth in the temporary rule.

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Sincerely,

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