

April 30, 2024

DANEKA KARMA
POLICY ANALYST/RULES COORDINATOR
WORKERS' COMPENSATION DIVISION
DEPT. OF CONSUMER & BUSINESS SERVICES
350 WINTER ST. NE
SALEM, OR 97312

Re: Written comments regarding WCD's rulemaking hearing on OAR 436-120

Dear Ms. Karma,

SAIF Corporation thanks the Workers' Compensation Division (WCD) for the opportunity to provide written comments related to the proposed changes to OAR 436-120, Vocational Assistance to Injured Workers. SAIF offers the following written comments for the division's consideration. For issues not specifically raised below, SAIF has no questions or concerns.

OAR 436-120-0511

The proposed change creates an additional type of limited training available for workers who are not authorized to work in the United States. The limited training category expands some vocational benefits to this group of workers. Because a new type of training was created, there should be a mechanism for a worker's training and eligibility to end once they have received limited training services and are not entitled to other categories of vocational assistance. To that effect, SAIF suggests promulgation of a rule under OAR 436-120-0165 that mirrors the language for ending eligibility when a worker has received maximum services. SAIF suggests adding the following:

OAR 436-120-0165(1)(r) The worker received maximum limited training services and is not entitled to other categories of vocational assistance.

In addition, SAIF understands that the reasons to end a training plan as listed under OAR 436-120-0527 would also apply to end limited training that was provided under OAR 436-120-0511. Similarly, SAIF assumes that the same fee schedule would apply to limited training under OAR 436-120-0720(3). To avoid potential stakeholder confusion, the division may consider clarifying that the reasons to end training also apply to limited training as well as including limited training within the current fee schedule.

Lastly, the rules are unclear as to the insurer's obligations if a worker who is receiving limited training independently obtains employment. For example, it is unclear whether OAR 436-120-0165(1)(b) would apply and require the insurer to determine whether an injured

400 High Street SE
Salem, OR 97312
P: 800.285.8525
F: 503.373.8020

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worker was suitably employed. Alternatively, SAIF questions whether an insurer would end eligibility under OAR 436-120-0165(h) in the above situation. WCD may consider addressing how eligibility for limited training would end if the situations listed under OAR 436-120-0165 were to occur in order to avoid confusion.

As always, SAIF appreciates the WCD's engagement and commitment to the rulemaking process as well as its collaborative approach. Thank you for your consideration of SAIF's comments as the division proceeds with its review of the issues raised.

Sincerely,

/s/ Elaine Schooler
Assistant General Counsel
P: 503.673.5344
F: 503.584.9576
elasch@saif.com