



February 23, 2018

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

RE: SAIF Corporation Testimony
OAR 436-001 Procedural Rules, Rulemaking, Hearings, and Attorney Fees
OAR 436-009 Oregon Medical Fee and Payment
OAR 436-010 Medical Services
OAR 436-015 Managed Care Organizations

Dear Fred:

SAIF respectfully offers the following comments on the above proposed rules:

1. **OAR 436-001**, Procedural Rules, Rulemaking, Hearings, and Attorney Fees
 - **OAR 436-001-0240** SAIF Corporation is concerned that the revised timeframe in the proposed rule is too close to the hearing date to permit meaningful review by the parties prior to the hearing. Attorneys for injured workers and employers carry a robust caseload. Because hearings are set three months in advance, delaying the transmittal of the records and index until 28 days prior to the hearing hinders the attorney's ability to assess their clients' exposure and to prepare for hearing while also preparing other cases for litigation at the same time.
2. **OAR 436-009**, Oregon Medical Fee and Payment
 - **OAR 436-009-0025(2)(b)**: There is a redundancy in the proposed 0025(2)(b); the opening and closing clauses are identical. "*If the worker requests reimbursement after two years as listed in subsection (a), tThe insurer may disapprove the reimbursement request if the worker requests reimbursement after two years as listed in subsection (a).*"
 - **OAR 436-009-0110(1)**: SAIF requests that WCD clarify that the interpreters must be *currently* certified interpreters. SAIF has observed that there are many interpreters on the list that have lapsed certifications.
3. **OAR 436-010**, Medical Services
 - **OAR 436-010-0225(2)**: Consistent with its comments above, SAIF requests that WCD also clarify that interpreters must be *currently* certified interpreters.

SAIF has observed that there are many interpreters on the list that have lapsed certifications.

4. **OAR 436-015** Managed Care Organizations

- **OAR 436-015-0008(1)** SAIF is concerned the new language in 0008(1) describing when the 30-day appeal time frame begins, is somewhat vague. SAIF suggests the proposed language be amended to add "at the time the MCO decision is issued,":
 - "When the aggrieved party is a represented worker at the time the MCO decision is issued, and the worker's attorney has given written notice of representation to the insurer, the 30-day time frame begins when the attorney receives written notice or has actual knowledge of the MCO decision."

SAIF believes this additional language is consistent with the testimony and discussion from the advisory committee.

As always, SAIF appreciates the ability to participate in the rulemaking process and provide its input. Please feel free to contact me if there are questions on this testimony.

Sincerely,



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