

Agenda

Rulemaking Advisory Committee

Workers' Compensation Division Rules
OAR 436-105, Employer-at-Injury Program

Type of meeting:	Rulemaking advisory committee
Date, time, & place:	April 30, 2020, 11 a.m. <i>Please join meeting from your computer, tablet or smartphone.</i> https://global.gotomeeting.com/join/266045773 <i>You can also dial in using your phone.</i> <i>United States (Toll Free): 1 866 899 4679</i> <i>Access Code: 266-045-773</i>
Facilitators:	Fred Bruyns and Katie Bruns, Workers' Compensation Division
11:00 to 11:10	Welcome and introductions; meeting objectives
11:10 to 11:55	Discussion of issues
11:55 to noon	Summing up – next steps – thank you!

Attached: [Issues document](#)

OAR 436-105 Employer-at-Injury Program
Issues Document
For Stakeholder Advisory Committee Meeting
April 30, 2020, 11 A.M.

ISSUE No. 1: Employer-at-Injury Program administrative fee increase

Rule: 436-105-0540(2)

Issue: The administrative fee, currently \$120, may be insufficient to cover the insurer's cost for administering the Employer-at-Injury Program (EAIP).

Background: The EAIP encourages the early return to work of injured workers by providing incentives from the Workers' Benefit Fund to employers, such as wage subsidies and the purchase of items necessary for transitional work. The \$120 administrative fee is paid to the insurer for administering the EAIP for each worker and is intended to cover some of the cost the insurer incurs for the administering EAIP.

A sufficient fee may promote use of the EAIP and its purposes, including earlier return to work and improved outcomes for eligible workers.

The current administrative fee of \$120 has been in place since 2007, when it was increased from \$60 to the current amount. In 2007, the division based the rate increase on cost analyses submitted by insurers.

The stakeholder who raised the issue suggested an increase to \$200, to account for the average time it takes to prepare, review, and submit a reimbursement request. This stakeholder stated on average an EAIP reimbursement can take two hours to prepare, but can take less or be in excess of three hours.

The division welcomes input regarding whether an increase is warranted, and if so, what an appropriate increase would be.

Options:

- Increase the fee
- Make no change
- Other?

Fiscal Impacts, including cost of compliance for small business: Increasing the administrative fee would have a fiscal impact on the WBF.

Recommendation: