



MEMORANDUM

October 2, 2020

To: Management-Labor Advisory Committee, Industry Stakeholders

From: Sally Coen, Administrator, Workers' Compensation Division

Subject: Social Security number box on Forms 801 and 827

Background

On July 20, 2020, the Management-Labor Advisory Committee (MLAC) wrote [a letter](#) to Governor Brown outlining six consensus recommendations related to workers' compensation system issues. The committee heard concerns that the use of a Social Security number (SSN) on the most common injury reporting form has a chilling effect on workers filing claims. Because the reporting form is used by many entities for a variety of purposes, the committee supported further discussion and recommended the Workers' Compensation Division (WCD) convene a stakeholder group to discuss the use of the SSN on the Form 801 Report of Job Injury or Illness. The division held a stakeholder meeting on September 15, 2020. The purpose of the meeting was to discuss whether the request for the worker's SSN on the Form 801 creates a chilling effect on workers filing claims, and if so, how the division could address the issue. Because of its similarity to the Form 801, the division expanded the discussion to include the Form 827 Workers' and Physician's Report for Workers' Compensation Claims, used by medical providers to report a worker's claim.

The division appreciates those who participated in the meeting and the information shared. The division heard input that confirmed the mere presence of a box for the SSN on the forms deters some workers from filing a claim after an injury. Additionally, insurers and employers both expressed discomfort with the collection of a worker's SSN on the forms due to privacy concerns. Some of the solutions discussed were: moving the box for the SSN from the worker's portion of the form to the employer/provider portion; allowing an alternative identification number to be provided in place of the SSN; indicating on the form that providing an SSN is optional; and removing the box for the SSN from both forms.

Decision

Based on the discussion and the feedback received at the stakeholder meeting, WCD will move toward removing the SSN box from both the Form 801 and 827. Insurers and the division still need the SSN for various purposes thus, while the box will be removed from the initial filing forms, insurers will still need to collect it for now. We anticipate there will be more conversations about the ongoing use of the SSN in the future.

Next Steps

The division will begin the formal rule revision process to align OAR 436-060 with the removal of the SSN box from Form 801 and 827. We will hold a rulemaking advisory committee meeting with stakeholders on Oct. 15, 2020. A meeting agenda and an issues document will be sent out ahead of the meeting so attendees are aware of what will be discussed. The target effective date for the new rules is Jan. 1, 2021. An industry notice will inform stakeholders of the decision, the timeline for implementing the change, and the steps that will be taken to revise the forms. Before Jan. 1, 2021, the division will update the necessary forms and bulletins, and distribute the updated Form 827 to medical providers. Insurers will be provided implementation time to allow for any computer program or process changes they may have to undertake to implement the use of the new forms.