

June 18, 2026

MARIE ROGERS  
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 advisory committee on OAR 436-015

Dear Ms. Rogers,

SAIF Corporation (SAIF) thanks the Workers' Compensation Division (WCD) for the opportunity to provide additional written comments following the June 9, 2026, advisory committee meeting on managed care organizations (MCO). SAIF offers the following additional comments for the division's consideration.

During the advisory committee meeting and in subsequent correspondence, stakeholders offered examples of claims where they allege MCO misconduct occurred and infer that the alleged misconduct must occur all the time. It remains unclear what steps, if any, stakeholders took to address the allegations of MCO misconduct and the outcome.

SAIF contends that further rulemaking is not required. If an MCO exceeds its authority, a remedy already exists. OAR 436-015-0120 allows the director to investigate alleged rule violations and impose sanctions against an MCO. Additionally, ORS 656.260(18) states "[a]ny person who is dissatisfied with an action of a managed care organization other than regarding the provision of medical services pursuant to this chapter, peer review, service utilization review or quality assurance activities may request review under ORS 656.704."

In the event an MCO exceeds its authority, an individual may file a complaint with the director, which may be investigated. Alternatively, an individual may request review under ORS 656.704. Absent a process of review by the director, brief summaries of alleged misconduct make it challenging to know what circumstances prompted MCO action, whether a violation in fact occurred, and whether the MCO was sanctioned. Often there are more facts and nuances of a claim that inform an action than can be appreciated from a cursory description. Utilizing existing processes of review can be beneficial to determine the unique facts and circumstances in each claim and whether misconduct occurred.

SAIF appreciates the WCD's thoughtful engagement and collaborative approach to discuss issues that impact injured workers, insurers, employers, and managed care organizations. SAIF believes that the current regulatory scheme is sufficient for WCD to both discern, and address, the concerns raised during the advisory committee meeting and in subsequent writings.

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Sincerely,

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