

**From:** "Jones, Carmen : CO Mgr Risk" <CAjones@LHS.ORG>  
**To:** "Fred Bruyns (E-mail)" <Fred.H.Bruyns@state.or.us>  
**Date:** 9/23/05 7:36AM  
**Subject:** div 60 proposed rule change .doc

September 23, 2005

Fred Bruyns, Policy Analyst/Rules Coordinator  
Oregon Workers' Compensation Division  
Policy Section

RE: OAR 436-060 PROPOSED RULE CHANGES

Dear Mr. Bruyns:

I would like to recommend a correction to OAR 436-060-0150 (5), which states:

Timely payment of temporary disability benefits means payment has been made no later than the 14th day after:

(a) The date of the employer's notice or knowledge of the claim temporary disability, provided the attending physician or authorized nurse practitioner has authorized temporary disability. Temporary disability accrued prior to the date of the employer's notice or knowledge of the claim shall be due within 14 days of claim acceptance

Prior to this rule change in January 2002, payment was due within 14 days of the employer date of knowledge or time loss authorization. With the current interpretation of the administrative rules, you have effectively created a standard that is extremely difficult to reach and maintain. In addition, it is not consistent and I do not believe that it captures the intent of the law. If we are now going to be held so such a standard, it will make it very difficult for employers, and insurance companies, to maintain 80% compliance, let alone 90% compliance.

Legacy Health System strives to provide timely payments to all of its employees and we will continue to abide by the current interpretation. However, we would like the State to review the standards that have been placed on employers and insurance companies for compliance with the laws intent.

Thank you for the opportunity to provide input.

Sincerely,

Carmen Jones  
Manager of Workers' Compensation, Disability and Leave Programs  
(503) 415-5011

EXHIBIT

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