



Dear Commissioners,

I am writing to express my organization's concerns over the new proposed changes to the workers' compensation rules (IDAPA 17.01.01 – MEDICAL REPORTS). Kootenai Health, located in Coeur d'Alene, Idaho, is the leading provider of medical care in Northern Idaho. We have a 330 bed community-owned hospital and an employed, multi-specialty medical group of approximately 160 physicians and 70 advanced practice professionals.

We understand concerns have been expressed by some claimant attorneys about problems with obtaining medical records from providers. Kootenai Health has taken steps to ensure that existing rules for obtaining medical records are being followed. The existing rules provide adequate access to medical records and information. If there are problems with the rules being applied correctly, the Commission should address those problems directly. The proposed rule changes are overly expansive and will be a costly, added burden on providers. Below we outline the numerous ways these changes would be cumbersome and significantly affect physicians' ability to provide patient-focused care.

**Expanded Definition of "Medical Information":** The proposed changes strikes the term "Medical Report", and changes it to "Medical Information." As stated in the rule changes, Medical Information would require medical professionals to provide opinions necessary for the administration or adjudication of a worker's compensation claims. As defined, these opinions would be extremely time consuming.

**Provider can be required to provide medical opinions free of charge:** The proposed changes expand the information the Commission can request to include, but not limited to, starting and ending periods of when the patient is in a period of recovery, permanent or temporary restriction opinions, further treatment recommendations, and impairment opinions. These medical opinions would be provided to the Commission free of charge and within 15 days from the request. In addition to the Commissioners, the Idaho Special Indemnity Fund can also request medical information provided free of charge within 15 days. This would cause providers to incur a significant amount of time and money.

**Cost of records request will be determined by commission:** Existing Medical information is to be provided free of charge to the patient or patient's attorney upon request and to employers/sureties at a Commission determined rate.

**Medical providers required response:** Parties can require medical providers to respond to medical information requests (includes opinions) by letter, conference, deposition, or testimony at hearing at an hourly rate set by the Commission. In the case of a response by letter or conference, the response has to be completed within 15 day of the request. These requests could be seeking opinions regarding causation, alternate potential causes, opinions regarding preexisting conditions and impact on claim, periods of temporary disability, impairment ratings pursuant to the AMA Guides, permanent restrictions, and care to be needed in the future.

The state of Idaho prides itself on being one of the least regulated states in the country. The burden of increased regulations often leads to higher costs of care and unanticipated impacts. These proposed changes would be significant and could lead providers to no longer provide care to injured workers. We support the testimony of the Idaho Hospital Association and the Idaho Medical Association opposing these rule changes. Hopefully we can work together to find a real solution to the identified problems.

Sincerely,

Caiti Bobbitt  
Public Affairs Strategist  
Kootenai Health