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Sent: Wednesday, May 22, 2024 4:53 PM

To: Kamerron Slay <Kamerron.Slay@iic.idaho.gov>

Subject: Proposed Rule Changes to IDAPA

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Kamerron:

I am writing in regard to the proposed rule change to IDAPA 17.01.01.305.11(a), wherein the Commission proposes to remove the language regarding the requirement for sureties to start payment of income benefits no later than four weeks or twenty-eight days from the date of disability.

I recognize that the rule is redundant with the plain language of the statute. Despite its redundancy, however, sureties consistently fail to initiate payment of income benefits as required by IC 72-402. This is evidenced not only by the Commission's prior enactment of the subject IDAPA, but also by the Prompt Claim Servicing Memorandum that the Commission has issued on multiple occasions.

Failure to comply with 72-402, the IDAPA as currently written, and the Prompt Claim Servicing letters from the Commission is too common. Injured workers suffer financial ruin when benefits are delayed. I routinely send letters to sureties reminding them of their duties pursuant to the statute, the rule, and Commission direction.

The Commission cites the IDAPA in its August 15, 2018, and June 10, 2020, Prompt Claims Servicing letters. I fear that removing the language from the IDAPA will further increase sureties already prevalent practice of disregarding prompt claim servicing requirements. I request that Commission leave the subject rule unchanged.

Thank you for your attention to this matter.

Sincerely,

Michael Kessinger

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