

Worker's Comp Rule 305.01 - ZBR

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To: Claire Sharp <claire.sharp@iic.idaho.gov>

Cc: Kamerron Slay <Kamerron.Slay@iic.idaho.gov>; Gutierrez George <george.gutierrez@iic.idaho.gov>

Hi Claire,

As promised, following up with this discussion for an official comment. I think ultimately the question centers on whether the Commission believes Section 305.01 falls under the in-state requirement for IC 72-305 which states:

Each surety shall provide prompt claims services through its **own adjusting offices or officers located within the state**, or by independent, licensed, resident adjusters. The surety shall provide medical supervision of cases from its insureds through medical consultants located within the state or near enough to provide prompt and continuous service.

I'm not sure that striking 305.01 would allow for out of state adjusting, assuming that adjusting falls within the definition of "claims services." If so, it is a straight-forward ZBR removal as being unnecessary to have in the rule. If the Commission does not believe it falls under that, then of course under ZBR review we would need to justify keeping it. In a world where I imagine a lot of adjusting happens virtually, I generally question the need to "maintain an office" in the state. Moreover, (and perhaps more importantly) the statute seems to allow for providing claims services through **either** adjusting offices or officers that are located within the state. If that is also the Commission's interpretation, it would need to be removed from rule as not squaring with the statutory allowance of either operating through a person or through in-state adjusting offices.

CC'ing Kamerron so she can include this as an official comment and George just in case he has any thoughts to share as well.

Thanks! See you guys this afternoon.

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