

From: Emma Wilson

Sent: Thursday, August 01, 2024 5:01 PM

To: 'commissionsecretary@iic.idaho.gov.' <commissionsecretary@iic.idaho.gov.>

Subject: IDAPA Comments

Hi Kamerron,

Here are my comments:

IDAPA 17.01.01.305.01(a) and (b) – I recommend removing Section (b) and updating Section (a) to state:

- a. All claims administrators, as defined in IDAPA 17.01.01.010.10, servicing Idaho workers' compensation claims and responsible for providing claims services as defined in IDAPA 17.01.01.010.11, and pursuant to Idaho Code § 72-305, must reside within the State of Idaho.

This removes the “office” requirement. The requirement that offices be “staffed by adequate personnel” is vague and unnecessary. Other sections of Rule 305 and the audit guidelines address proper claims handling.

IDAPA 17.01.01.402 – This section should be removed entirely. The name of the Rule - GOVERNING CONVERSION OF IMPAIRMENT RATINGS TO “WHOLE MAN” STANDARD, does not correspond with the proposed removal of Section 01 (which is an unnecessary rule that should be removed). If Rule 402.01 is removed, the title should be changed; however, 402.02 should also be removed or rewritten to allow for exceptions to the requirement that multiple ratings must be averaged. The proposed changes to 402.02 and 402.03 do not materially change the current language or procedure. If an employer/surety disputes a rating under the proposed rules, it must still go before the Commission in order to not average multiple ratings, even when an evaluator used a flawed methodology or an outdated and incorrect version of the AMA Guides (the original Guides had errors that were later corrected. Most practitioners use the correct version, but not all of them). This requires significant time and added expense. Idaho's Workers' Compensation Law does not mandate that an evaluating physician utilize the AMA Guides when assigning permanent (see I.C. §§ 72-422 and 72-424). A practitioner can assign a rating without relying on the Guides, and because an “evaluating physician has given a rating,” the employer/surety must pay the average. This is not reasonable. By updating the rule to include certain exceptions, it creates a more just process.

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