

IDAPA 17
TITLE 02
CHAPTER 10

**17.02.10 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION
UNDER THE WORKERS' COMPENSATION LAW –
SECURITY FOR COMPENSATION -- INSURANCE CARRIERS**

(Break in continuity of sections)

051. REQUIREMENTS FOR MAINTAINING IDAHO WORKERS' COMPENSATION CLAIMS FILES.

All insurance carriers and licensed adjusters servicing Idaho workers' compensation claims shall comply with the following requirements: (4-7-11)

...

06. Compensation.

a. All compensation, as defined by Section 72-102, Idaho Code, must be issued from the in-state office. (4-7-11)

b. The insurance carrier shall make all compensation payments by: ()

i. check or other readily negotiable instrument; or ()

ii. electronic transfer by mutual agreement between the carrier and the payee. ()

c. A claimant may request that the insurance carrier make compensation payments by electronic transfer to a personal bank account by providing the insurance carrier in writing: the name and routing transit number of the financial institution and the account number and type of account to which the claimant wants to have the compensation electronically transferred. The insurance carrier shall provide the claimant with a form to fill out the information required by this subsection within seven (7) days of receiving a request for electronic transfer of payments from the claimant. ()

d. The insurance carrier shall make compensation payments to the claimant by electronic transfer if the claimant: ()

i. requests in writing that payment be made by electronic transfer; ()

ii. provides the information required by subsection c. of this section; and ()

iii. is reasonably expected to be entitled to receive compensation payments for a period of eight (8) weeks or more from the point that subparagraphs i. and ii. of this subsection are satisfied. ()

iv. This subsection does not apply to electronic transfer payments through a carrier's bank card. ()

07. Checks and Drafts. Checks must be signed and issued within the state of Idaho; drafts are prohibited. (4-7-11)

a. The Commission may, upon receipt of a written Application for Waiver, grant a waiver from the provisions of Subsections 051.06 and 051.07 of this rule to permit an insurance carrier to sign and issue checks outside the state of Idaho. (4-7-11)

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b. An Application for Waiver must be accompanied by an affidavit signed by an officer or principal of the insurance carrier attesting to the fact that the insurance carrier is prepared to comply with all statutes and rules pertaining to prompt payments of compensation. (4-7-11)

c. All waivers shall be effective from the date the Commission issues the order granting the waiver. A waiver shall remain in effect until revoked by the Industrial Commission. At least annually, staff of the Industrial Commission may review the performance of any insurance carrier for which a waiver under this rule has been granted to assure that the insurance carrier is complying with all statutes and rules pertaining to prompt payments of compensation. (4-7-11)

d. If at any time after the Commission has granted a waiver, the Commission receives information permitting the inference that the insurance carrier has failed to provide timely benefits to any claimant, the Commission may issue an order to show cause why the Commission should not revoke the waiver; and, after affording the insurance carrier an opportunity to be heard, may revoke the waiver and order the insurance carrier to comply with the requirements of Subsections 051.06 and 051.07 of this rule. (4-7-11)

08. Copies of Checks. Copies of checks and/or electronically reproducible copies of the information contained on the checks must be maintained in the in-state files for Industrial Commission audit purposes. A copy of the first income benefit check, showing signature and date, shall be sent to the Industrial Commission the same day of issuance. (3-25-16)