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**RE: *Comment Regarding Proposed Rule Change to 17.02.04.281***

Dear Director of the Idaho Industrial Commission:

It appears that the proposed version of the rule referenced above would allow the employer/surety to disregard the impairment ("PPI") rating of any physician that is not handpicked by the employer/surety.

I believe the current rule is functioning as it was originally intended pursuant to I.C. §72-201, with the goal of providing sure and certain relief to injured claimants. The current rule reflects a reasonable compromise between the claimant and employer/surety by averaging the PPI ratings of multiple physicians, wherein at least one of the physicians is selected by the claimant.

Litigation is frequently measured in years as opposed to months when determining the final PPI award in any given case. Providing the employer/surety with the unchecked ability to ignore the PPI rating of any physician not handpicked by the employer/surety, without litigation, would appear to be contrary to the spirit of I.C. §72-201.

I would respectfully request that the rule remain unchanged.

Respectfully,



Stephen Nemec  
Attorney for Claimants