08. Access Card Payments.

a. Access card means any card or other payment method that may be used by a Claimant to initiate electronic fund transfer from an insurance carrier's or a self-insured employer's bank account. The term “access card” does not include stored value cards or prepaid cards that store funds directly on the card and that are not linked to an insurance carrier's or a self-insured employer's bank account.

b. An insurance carrier or a self-insured employer may pay compensation through an access card to a Claimant if there is written mutual agreement signed by the insurance carrier or self-insured employer and the Claimant. The insurance carrier or self-insured employer shall maintain accurate records of the mutual agreement for, at a minimum, four hundred and one (401) weeks from the date of injury. The written agreement shall contain an acknowledgment that the Claimant received and agreed to the written disclosure required by Paragraph 305.08.d.

c. An insurance carrier or a self-insured employer providing compensation payments to a Claimant through an access card shall:

i. Permit the Claimant to withdraw the entire amount of the balance of an access card in one transaction;

ii. Not reduce compensation payments paid to a Claimant through an access card for the following fees, surcharges, and adjustments:

(1) Overdraft services under which a financial institution pays a transaction (including a check or other item) when the Claimant has insufficient or unavailable funds in the account;

(2) ATM withdrawal or point of sale purchase for more than the card holds and the transaction is denied;

(3) ATM balance inquiries;

(4) Withdrawing money from network ATMs;

(5) Withdrawing money from a teller;

(6) Customer service calls;

(7) Activating the card;

(8) Fees for card inactivity;

(9) Closing account;

(10) Access card replacement through standard mail;

(11) Withdrawing the entire payment in one transaction;

(12) Point of sale purchases, or

(13) Any other fees or charges that are not authorized under Subparagraph 305.08.c.iii., and

iii. Only permit a Claimant to be charged for the following:

(1) Fees for access card replacement through an expedited mail service;

(2) International transaction fees, and
d. Insurance carriers or self-insured employers shall provide a written disclosure to the Claimant contemporaneously with the written mutual agreement required under Paragraph 305.08.b. The written disclosure shall include:

i. A summary of the Claimant's liability for unauthorized electronic fund transfers;

ii. The telephone number and address of the person or office to be notified when the Claimant believes that an unauthorized electronic fund transfer has been or may be made;

iii. The type of electronic fund transfers that the Claimant may make and any limitations on the frequency of transfers;

iv. Any fees imposed for electronic fund transfers or for the right to make transfers, including a statement that fees may be imposed by an ATM operator that is out-of-network;

v. Fees for expedited card replacement or international transaction fees will be removed from the balance maintained in the bank account linked to the access card;

vi. A summary of the Claimant's right to receipts and periodic statements;

vii. All bank locations and network ATMs in the United States where the Claimant may access his or her funds at no cost;

viii. A statement informing the Claimant that they have a right to receive payments directly into their personal bank account through direct deposit or by check.

e. An insurance carrier or a self-insured employer shall provide that the written disclosure and any notice of term or condition changes required under Paragraph 305.08.d. that:

i. Are printed in not less than twelve (12) point font;

ii. Include the full text to communicate all terms and conditions, in English and any other language required to fully communicate the terms and conditions to the Claimant;

iii. Are written in a clear and coherent manner and wherever practical, words with common and everyday meaning shall be used to facilitate readability; and

iv. Are appropriately divided and captioned in a meaningful sequence such that each section contains an underlined, boldfaced, or otherwise conspicuous title or caption at the beginning of the section that indicates the nature of the subject matter included in or covered by the section.

f. An access card issued to a Claimant under this Subsection 305.08:

i. Shall not bear any information that could reasonably identify the Claimant as a participant in the worker's compensation system; and

ii. Shall include on the front or back of the access card a toll-free customer service number and website address. Customer service personnel shall be available by phone Monday through Friday during normal business hours (9 a.m. to 6 p.m. Mountain Time).

g. The insurance carrier or self-insured employer shall provide a written notice to the Claimant at least twenty one (21) days before the effective date of any change in a term or condition of the mutual agreement or
disclosure, including terminating the access card program, increased fees, or liability for unauthorized electronic fund transfers. Any terms or conditions that violate the requirements of this Subsection 305.08 are null and void and may result in administrative action against the carrier or employer. An insurance carrier or employer shall provide a written notice of term or condition changes that:

i. Provides a comparison of the current terms and the changes; and

ii. References the Claimant's ability to request a change in method of payment to electronic fund transfer to his or her personal bank account in accordance with Subsection 305.07 or to payment by check.

h. An insurance carrier or a self-insured employer may close the access card account by issuing a check to the Claimant with the remaining balance of the access card if the account has been inactive for twelve (12) months or longer.

i. The insurance carrier or self-insured employer shall not remove money from the Claimant's account or access card except to remove permitted fees under Subparagraph 305.08.c.iii. or to close the account for inactivity of a period of twelve (12) months or more. An insurance carrier or a self-insured employer seeking to recoup overpayments shall follow the requirements of section 72-316, Idaho Code.

j. An insurance carrier or a self-insured employer is considered to have made a compensation payment the date the payment is available on the Claimant's access card.