

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.04 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – BENEFITS

DOCKET NO. 17-0204-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-508, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

PUBLIC MEETING
Tuesday, July 17, 2018 – 10:00 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency and, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Commission believes it important to clarify the regulations that define how benefits must be calculated and paid, and the time frame within which sureties must take certain actions. Without these changes, sureties may not know the Industrial Commission's expectations, and workers will not be protected against untimely payment.

A proposed change would require a notice to claimant when two or more different impairment ratings for the same injury are given by different physicians and the ratings are not averaged. Claimant would be advised of his right to challenge an employer's decision to pay benefits without averaging the different ratings.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of any proposed change, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
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