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Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Commerce & Human Resources Committee

FROM: Legislative Research Analyst - Elizabeth Bowen

DATE: September 30, 2014

SUBJECT: Industrial Commission

IDAPA 17.02.04 - Rules Pertaining To The Industrial Commission under the Workers' Compensation Law -- Benefits - Proposed Rule (Docket No. 17-0204-1401)

IDAPA 17.02.06 - Rules Pertaining To Employer Reports - Proposed Rule (Docket No. 17-0206-1401)

IDAPA 17.02.08 - Rules Pertaining To Miscellaneous Provisions - Proposed Rule (Docket No. 17-0208-1401)

IDAPA 17.02.09 - Rules Pertaining To Medical Fees - Proposed Rule (Docket No. 17-0209-1401)

IDAPA 17.05.01 - Rules Pertaining To The Crime Victims Compensation Act - Proposed Rule (Docket No. 17-0501-1401)

(1) IDAPA 17.02.04 - Rules Pertaining To The Industrial Commission under the Workers' Compensation Law -- Benefits - Proposed Rule (Docket No. 17-0204-1401)

The Industrial Commission submits notice of proposed rulemaking at IDAPA 17.02.04. The proposed rule would modify a rule that allows reimbursement of health care travel expenses for injured workers who attend necessary medical appointments. Specifically, the proposed rule directs the injured worker to the Commission or the Commission's website to obtain a travel reimbursement form. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; however, in drafting the rule, the Commission considered input from a subcommittee of its Advisory Committee. The rule is consistent with the Commission's authority under Sections 72-508 and 72-432, Idaho Code.

(2) IDAPA 17.02.06 - Rules Pertaining To Employer Reports - Proposed Rule (Docket No. 17-0206-1401)

The Industrial Commission submits notice of proposed rulemaking at IDAPA 17.02.06. The proposed rule eliminates language that extends the deadline for insurance adjusters to file a summary of payments where indemnity payments have not been timely made. Additionally, the rule increases the time period for an employer to file a summary of payments in cases of default for reason of insolvency or bankruptcy. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; however, in drafting the rule, the Commission did consider input from a subcommittee of its Advisory Committee. The rule is consistent with the Commission's authority under Section 72-508, Idaho Code.

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(3) IDAPA 17.02.08 - Rules Pertaining To Miscellaneous Provisions - Proposed Rule (Docket No. 17-0208-1401)

The Industrial Commission submits notice of proposed rulemaking at IDAPA 17.02.08. The proposed rule provides the Commission's mailing address and directs interested parties to the Commission or the Commission's website to obtain a form for notice of claim status. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; however, in drafting the rule, the Commission considered input from a subcommittee of its Advisory Committee. The rule is consistent with the Commission's authority under Section 72-508, Idaho Code.

(4) IDAPA 17.02.09 - Rules Pertaining To Medical Fees - Proposed Rule (Docket No. 17-0209-1401)

The Industrial Commission submits notice of proposed rulemaking at IDAPA 17.02.09. The proposed rule updates the medical fee schedule in order to reflect market conditions. Additionally, the rule changes the allowable period for payment of fees due to a medical provider. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; however, in drafting the rule, the Commission considered input from a subcommittee of its Advisory Committee. The rule is consistent with the Commission's authority under Section 72-508, Idaho Code.

(5) IDAPA 17.05.01 - Rules Pertaining To The Crime Victims Compensation Act - Proposed Rule (Docket No. 17-0501-1401)

The Industrial Commission submits notice of proposed rulemaking at IDAPA 17.05.01. The proposed rule updates the crime victims medical fee schedule and clarifies calculations of allowable payments. The rule also provides a method for calculating reimbursement for travel expenses relating to necessary medical care and services. Finally, the rule clarifies time limitations for providers to file claims with the crime victims program. There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted because the changes are necessary in order for the rule to be consistent with the Current Procedural Terminology Codes, and because the current medical fee schedule is not correctly reimbursing providers for some services. The rule is consistent with the Commission's authority under Sections 72-1004 and 72-1026, Idaho Code.

cc: Industrial Commission
Mindy Montgomery