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Marie Loiseau
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RE: Rulemaking Advisory Committee – Response to Issues #10 & #12 - 11/30/23 meeting

Dear Ms. Loiseau,

RIMS (Risk & Insurance Management Society), is an organization that provides resources, continuing education, and advocacy for risk management professionals worldwide, with the Oregon RIMS chapter having over 60 Oregon employer members. Several RIMS members raised concerns about proposed changes and testimony during the 11/30/2023 meeting. On behalf of its members/employer stakeholders, RIMS provides the following:

Issue 10

The issue raised is whether an insurer should be required to authorize or deny treatment after an MCO approves the treatment as medically appropriate.

Our members have concerns regarding this proposal. First, it is unclear from the 11/30/2023 meeting if this rule change would apply to surgery requests only or all treatment. Second, it is unclear what "authorize" means here. Does the proposed requirement to "authorize" mean an insurer or self-insured employer should be required to provide a secondary medical 'preauthorization'; or does it mean the insurer or self-insured employer is required to provide an advanced guarantee of payment? The proposal is unclear and depending on its intent, may have consequences far-outreaching the scope of medical treatment rules.

Issue 12

The issue appears to be an assertion that MCOs control benefits other than medical care.

Our members value the partnership between an MCO, medical providers, and the injured worker. Our members report that MCOs may provide assistance such as obtaining physical status reports/return-to-work information when a medical provider does not timely provide such information or is non-responsive to requests. Our members rely on their workers' compensation carriers or third-party claims administrators to administer claim benefits. There are no reports of claims in which the MCO has asserted (or attempted to assert) control over any administration of benefits to their injured employees. Rather, the MCO acts as an invaluable partner in helping all stakeholders to navigate the many statutes and available benefits that are often unique to each individual claim.

On behalf of Oregon RIMS and its employer members, we request that the current rules pertaining to issues 10 and 12 remain in place for the effective administration of claims, in the absence of compelling evidence that a substantial and quantifiable issue exists that might require changes.

Sincerely,

Dustin Karstetter
Legislative Director, Oregon RIMS (Risk & Insurance Management Society)