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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**ID 4-2020**

CHAPTER 836  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
INSURANCE REGULATION

**FILED**

04/30/2020 3:12 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: COVID-19 Update to Statistical Plan for Workers' Compensation Insurance Reporting

EFFECTIVE DATE: 05/01/2020 THROUGH 10/24/2020

AGENCY APPROVED DATE: 04/30/2020

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350 Winter Street NE  
Salem, OR 97301

Filed By:  
Karen Winkel  
Rules Coordinator

NEED FOR THE RULE(S):

ORS 737.225 states that the director shall prescribe by rule the statistical plan for workers' compensation insurance. Accordingly, OAR 836-042-0045 currently prescribes the Statistical Plan for Workers' Compensation and Employer Liability Insurance, 2008 Edition, filed by the National Council on Compensation Insurance, with revisions through January 1, 2018. This rulemaking changes the date in the current administrative rule from January 1, 2018 to May 1, 2020, the effective date of revisions reflected in NCCI's new filing.

JUSTIFICATION OF TEMPORARY FILING:

On March 8, 2020, Oregon Governor Kate Brown signed Executive Order 20-03, which declared a state of emergency due to the COVID-19 outbreak in Oregon under ORS 401.165. Because of this outbreak, NCCI is adding a way to report COVID-19 claims.

The Director finds that a failure to promptly update the prescribed statistical plan to reflect the most recent revisions will result in serious prejudice to the public interest or the interest of the parties concerned. A failure to update would prevent insurers and employers from accurately reporting COVID-19 claims. In light of the rapidly changing circumstances faced by insurers and the public due to the ongoing pandemic, the plan for maintaining and reporting workers' compensation insurance statistics merits adjustment accordingly. The interests of insurers and the public are subject to prejudice if revisions to the prescribed statistical plan are not given effect in a timely and expeditious manner.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Draft rules are available from Karen Winkel located at 350 Winter St. NE, Salem, OR 97301 and are available on the division's website at:

<https://dfr.oregon.gov/laws-rules/Pages/proposed-rules.aspx>.

A copy of the most recent NCCI filing, NCCI-132328779, is available at the Division of Financial Regulation, 350 Winter St., NE, Salem, OR 97301.

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AMEND: 836-042-0045

RULE SUMMARY: Updates the prescribed statistical plan to include the most recent COVID-19 related revisions filed by the National Council on Compensation Insurance (NCCI).

CHANGES TO RULE:

836-042-0045

Workers Compensation Statistical Plan ¶¶

(1) The Statistical Plan for Workers Compensation and Employers Liability Insurance, 2008 Edition, filed by the National Council on Compensation Insurance and approved by the director to become effective January 1, 2009, and revisions approved by the director to become effective ~~January 1, 2018~~ May 1, 2018 ~~2020~~, is prescribed as the statistical plan for workers' compensation and employers liability insurance.¶¶

(2) Manuals or guides referenced within the statistical plan designated in section (1) of this rule are not prescribed by this rule.¶¶

~~[Publications: Publications referenced are available from the agency.]~~

Statutory/Other Authority: ORS 731.244, ORS 737.225

Statutes/Other Implemented: ORS 737.225