

February 9, 2015

Ms. Kim Bailey
Workers' Compensation Commission
1915 North Stiles
Oklahoma City, OK 73105

Via email

RE: Proposed rules, 810:1-1-3

Ms. Bailey:

The National Association of Mutual Insurance Companies (NAMIC) appreciates the opportunity to comment on the proposed rules of the Workers' Compensation Commission.

As you know, we are the largest property/casualty insurance trade association in the country, serving regional and local mutual insurance companies on main streets across America as well as many of the country's largest national insurers. The 1,400 NAMIC member companies serve more than 135 million auto, home and business policyholders and write more than \$196 billion in annual premiums, accounting for 50 percent of the automobile/homeowners market and 31 percent of the business insurance market. In Oklahoma, NAMIC members make up 46 percent of the market, representing 146 companies. Eight of those are Oklahoma domestics.

NAMIC would suggest a change to 810:3-5-3(c), **Requirements for use of closed formulary; preauthorization request**. Currently, the rule states that "if the insurance carrier or employer fails to respond to a preauthorization request within seventy-two (72) hours, the request shall be deemed approved." Our proposed change would be to strike "seventy-two (72) hours" and replace it with "three (3) business days."

This proposed change would make the rule more reflective of the realities of claim handling. Preauthorization requests arriving later in the week are effectively deemed approved over the weekend or first thing on Monday, despite the fact the carrier or employer has not had the full benefit of the 72 hour review period during the work week. In other instances, carriers may find themselves being rushed to make decisions when requests are made close to the weekend or holidays. Making this change would better enable carriers and employers to make meaningful determinations on preauthorization requests that benefit both the employers and injured workers.

NAMIC believes this request will be conducive to workers' compensation carriers choosing to do business in Oklahoma. We urge the Commission to amend the regulation.

As always, we are happy to discuss this further with you or your staff. Please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Paul Martin". The signature is written in a cursive style with a large, stylized "P" and "M".

Paul Martin
Director – State Affairs
Southwest Region