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***Via Email***

Dear Members of the Commerce and Human Resources Committee:

I write in opposition to Senate Bill S1037.

I am an Idaho Falls attorney and represent clients throughout the state (and many people who live out of the state) who were injured at work. Workers Compensation claims make up approximately 50% of my practice.

The Idaho Supreme Court recently opined in *Fuentes v. Cavco Industries* (opinion filed January 5, 2022) that in workers compensation cases, "the goal of promoting compliance with the rules must be weighed against the ultimate goal of providing **'sure and certain relief for injured workers.'**" (Quoting *Wernecke v. St. Maries Joint Sch. Dist. No. 401*, 147 Idaho 277, 282, 207 P.3d 1008, 1013 (2009) emphasis added).

Any decision the Legislature makes regarding work comp should come down to the goal of providing sure and certain relief for injured workers. I cannot imagine a bill that does quite the opposite than Senate Bill S1037. The primary issue with this bill is that workers compensation laws varies from state to state. Idaho workers compensation is not similar to *any* neighboring state – Utah, Wyoming, Montana, Washington, Nevada, or Oregon. In fact, work comp laws vary drastically between all states.

Because of those differences, having an in-state adjuster who knows not only Idaho law, but is familiar with Idaho medical providers who are familiar with Idaho workers compensation practices, not only provides better and faster care for injured workers, but also helps keep the cost of workers compensation claims down, and assists the injured worker in returning to work quicker following an injury.

Just within the last couple of weeks I have an experience where a client was injured while working at the Idaho Falls Regional Airport. She fell on ice and hit her head and suffered a severe concussion. After three weeks of no movement on her claim – including no time loss payments to cover her wages while she recovered from her injury, I called the adjuster to ask about the status of her claim. The adjuster, who works for an insurance company based out of Kentucky, responded that "the claim has to be funded by Corporate."

Fortunately for my client, the adjuster – who resides and works in Boise – is very familiar with Idaho work comp laws and regulations and understood the urgency of the injured worker’s claim. She, too, was frustrated with her corporate office and the delay in providing income benefits and “funding” the medical care for the injured worker. She understood that getting the injured worker immediate proper medical care increased the chances of getting the injured worker back to work quickly. I can only imagine – if this law passes – calling the Kentucky corporate office and dealing with an adjuster who is unfamiliar with Idaho laws and Idaho physicians, as the adjuster rifles through the laws of other states, trying to remember (or learn) what benefits an Idaho injured worker is entitled to.

Because of the uniqueness of Idaho work comp laws, an injured worker’s claim must be adjusted by someone who knows the law and knows the providers. Not every orthopedic surgeon, for example, is familiar with the work comp laws and regulations in Idaho. Having a physician who is familiar with providers that (1) are competent in their practice, and (2) are familiar with Idaho work comp claims, helps move these cases along – helping the injured worker back to work – and reduces the litigation expenses versus physicians who are not familiar with Idaho work comp laws. Out of state adjusters lose the intimacy of the Idaho workers compensation system. In all likelihood, if I have an out of state adjuster, I will immediately file a Complaint with the Industrial Commission so I can at least work with an attorney who knows the laws and knows the system. That will only increase the cost of handling work comp claims in Idaho.

The Idaho work comp system is not perfect. However, it is a small and familiar community. Keeping adjusters in state is extremely important in accomplishing the end goal of providing sure and certain relief for injured Idahoans.

I have a previously scheduled deposition this afternoon or I would be appearing to testify at the Committee hearing on this bill. Should you have questions or concerns please do not hesitate to contact me.

Thank you.

Sincerely,

McBRIDE ROMRELL DUSTIN ATTORNEYS



Matthew D. Romrell