

## Regulatory Flexibility Analysis for Small Businesses and Local Governments:

1. Effect of rule: The rule removes the requirement of mandatory adjournment for cross-examination of a claimant's attending medical provider, requires written extensions for submitting deposition transcripts of cross-examination of medical witnesses, and updates medical witness deposition fees.
2. Compliance Requirements: The same compliance requirements apply to small businesses and local governments as to large businesses.
3. Professional Services: It is believed that no professional services will be needed by small businesses or local governments to comply with the proposed regulation.
4. Compliance Costs: Compliance with the proposed regulations should generally not impose increased compliance costs on small businesses or local governments. Although deposition fees will have a moderate increase, which the Board has determined is consistent with deposition fee and medical cost increases nationwide, these fees will be paid by the insurance carrier in most cases. Fees may be directly incurred by a self-insured small business or local government employer. Notably, an employer can choose to opt-in to self-insure, and in doing so elects to bear administrative costs. Additionally, higher fees may apply when fees are not paid within 45 days. Employers can avoid additional costs by paying fees on time.
5. Economic and technological feasibility: Compliance with the proposal is economically and technologically feasible for small businesses and local governments. Though the

proposal may require electronic filing of certain documents, parties are already required to participate in electronic filing.

6. Minimizing adverse impact: The proposed regulations are not anticipated to have an adverse impact on small businesses and local governments. The Board has considered potential adverse impacts, including increased deposition fees, and this proposal balances the needs of insurance carriers (and other payers, such as self-insured employers) to ensure accurate payment with the needs of medical providers, who may themselves work in small businesses or may be self-employed, for timely payment of deposition fees. Additionally, injured workers have a need for timely payment and resolution of their claims without delay. Encouraging the deposition process to progress in a timely fashion addresses that need.
7. Small business and local government participation: The Board does not have a small employer or municipality database but has sent an electronic communication describing the proposal to all insurer, self-insured employer, third party administrators, health care providers, and attorneys and licensed representative subscribers for Board updates. The Board will also duly consider all public comments received from small businesses or local governments during the public comment period.