LEGISLATIVE UPDATE FROM 2019 SESSION

SPRING STAKEHOLDER MEETINGS

May-June, 2019
2019 Legislature at a glance

2019 SESSION
BY THE NUMBERS

- # of Bill Draft Requests: 3,324
- # of Bills Introduced: 1,309
- # of Floor Votes: 270,131
- # of Legislative Days: 87

42 Workers’ comp
14
HB 757 – Claims Examiner & ND

• Sponsored by Representative Derek Harvey
• Signed by Governor Bullock 5/7/2019
• Effective date is July 1, 2019
• Requires certification of claims examiners in work comp
  • Modifies 39-71-320, MCA and provides for rule making
  • Process for transition of newly hired claims examiners
  • Grace period for those working as an examiner 1/1/2019
• Removes sunset on 39-71-442, MCA from HB 538 in 2015
  • Eliminates double payment from employer when
    • Employer maintains work comp coverage in North Dakota
    • Employee works solely in North Dakota
    • Commuting does not constitute work performed
  • Sunset language also removed from 39-71-401 (1), MCA
HB 732 – Work-based Learning Reimbursement

- Sponsored by Representative Derek Harvey
- Signed by Governor Bullock 5/8/2019
- Effective date is July 1, 2019
- Terminates June 30, 2023
- Requires DLI reimburse private employer who has hired a student in a high-quality work-based learning opportunity for the added cost of work comp related to the hire
  - Available funds
  - Safe working conditions
- Reimbursed through the WC Administrative Assessment Fund
  - 39-71-201, MCA
SB 160 – Firefighter Presumption

- Sponsored by Senator Nate McConnell
- Signed by Governor Bullock on 4/18/2019
- Effective date July 1, 2019
- Optional for volunteer firefighters
- Beneficiaries are eligible in the same manner as in 39-71-407
  - Subject to exclusive remedy in 39-71-411
  - Filing requirements in 39-71-601
- Disputes
  - Insurer has the burden of proof
  - Preponderance of the evidence
  - Firefighter or beneficiaries may seek remedy for denied claim
- Total claim payment limitation of $5M per claim
SB 160 – definitions

- Presumptive occupational disease – harm or damage from one or more of the diseases outlined that is established by objective medical findings and is contracted in the course and scope of employment as a firefighter from either a single day or work shift or more than a single day or work shift but that is not a specific accident

- Firefighting activities – actions required of a firefighter that expose the firefighter to extreme heat or inhalation or physical exposure to chemical fumes, smoke, particles, or other toxic gases arising directly out of employment as a firefighter
SB 160 – covered diseases

- Bladder cancer after 12 years
- Brain cancer of any type after 10 years
- Breast cancer after 5 years if the diagnosis occurs before the firefighter is 40 years old and is not known to be associated with a genetic predisposition to breast cancer
- Myocardial infraction after 10 years
- Colorectal cancer after 10 years
- Esophageal cancer after 10 years
- Kidney cancer after 15 years
- Leukemia after 5 years
- Mesothelioma or asbestosis after 10 years
- Multiple myeloma after 15 years
- Non-Hodgkin’s lymphoma after 15 years
- Lung cancer after 4 years
SB 160 – calculating employment

• For the purposes of covered diseases, calculating the firefighters employment history after July 1, 2014 will be used

• Must also be within 10 years of the last date on which the firefighter was engaged in firefighting activities for an employer
SB 160 – conditions for claim

- **Timely file a claim**
- **Within 90 days of hire, firefighter has medical exam that did not reveal objective medical evidence of presumptive disease**
  - Subsequent exams at least once every 2 years
- **Employer does not have to pay for medical exams**
  - Firefighter may satisfy requirement by obtaining exam at own expense
- **Firefighter may not**
  - Be a regular tobacco user
  - Have a history of regular tobacco use in the 10 years of filing a claim
  - Have been exposed by a cohabitant who regularly and habitually used tobacco products within the home for a period of 10 or more years prior to the diagnosis
- **Current firefighters are not ineligible for not receiving medical exams as frequently as listed under the act.**
State Fund related bills

- SB 351 - Board term requirements
- SR 36 - Confirm Governor appointments to Montana State Fund board
- SR 65 – Confirm Governor appointments to Montana State Fund board
HB 86 – prescription drugs

- Sponsored by Representative Vince Ricci
- Signed by Governor Bullock on 3/21/2019
- Generally effective 10/1/2019
- Section 3 regarding the mandatory use of prescription drug registry is effective July 1, 2021
- Requires photo identification for release of controlled substances
- Opioid prescriptions to opioid-naïve patient for outpatient limited to a 7-day supply
- Section 3 – Mandatory use of prescription drug registry for opioids and benzodiazepines
Unsuccessful Bills

• SB 78 – Require notice of claim closure
• HB 28 – Establish fireworks tax to assist with work comp for volunteer firefighters
• HB 214 - Revise laws with State Fund – included allowing DOA to go with Plan 2 or Plan 1
• HB 313 – Injured worker to choose treating physician
• SB 29 – Require work comp for volunteer firefighters
• SB 126 – Change solvency requirements for public self-insureds
• SB 234 – Allow DOA to go with Plan 2 or 1
Questions?