

HOUSE BILL 87
KEY ELEMENTS IN CONSENSUS COMPREHENSIVE PACKAGE
RECOMMENDED TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE
BY THE LABOR-MANAGEMENT ADVISORY COUNCIL ON WORKER' COMPENSATION
REVISED FOR 1/21/2011 HEARING

PROVISIONS REQUIRING LEGISLATIVE CHANGES

Statutory closure of claims after 3 years with limited reopening provision

Section 1 (pgs. 1-2) and Section 3 (pg. 6 – Def. of Indemnity Benefits)

Course and scope language on breaks and recreational activities

Section 4 (pgs. 9-14) and Section 6 (pgs. 15-17)

Set a 21-day time frame for insurer to accept or deny a claim

Section 7 (pgs. 17-18)

Limited payment of attorney fees in medical only disputes

Section 9, 10, and 11 (pgs. 19-22)

Set medical fee schedule 165% of Medicare

Section 15 (pgs. 27-31)

Require adoption of utilization and treatment guidelines for treatment of injured workers

Section 15 (pgs. 27-31)

Codify the use of the 5th Edition of the AMA Guides to Impairment Ratings

Section 17 (pg. 32)

Clarify “actual wage loss” for temporary partial disability benefits - housekeeping

Section 18 (pgs. 32-34)

Renumbering due to other changes

Section 19 (pgs. 34-35) and Section 20 (pg. 35)

Provide retroactive payments for waiting period after 21 days of disability

Section 21 (pgs. 35-36)

Implement early Stay at Work/Return to Work program

Provide for Return to Work Assistance upon request of claimant

Section 22 (pg. 36)

Section 25 (pgs. 39-40)

Sections 26 (pgs. 40-41)

Section 28 (pgs. 41-43)

Section 30 (pgs. 44-45)

Section 32 (pg. 47)

Section 33 (pgs. 47-48)

Section 34 (pg. 48)

Section 35 (pgs. 48-49)

Section 36 (pgs. 49-51)

Section 37 (pg. 51)

Section 39 (pg. 51)

Some amendments are needed to coordinate saw/rtw with current voc rehab

Allow settlement of future medical benefits

Section 23 (pgs. 36-39)

OTHER RECOMMENDATIONS

Continue support for WorkSafeMT Foundation to reduce frequency and duration

Provide long term private and public funding to support WorkSafeMT efforts

LMAC DECISION TO REVERT TO CURRENT TTD, PPD, PTD, AND VOC REHAB DUE TO PPD ADEQUACY STUDY

End TTD benefits at maximum healing & impairment rating

Begin PPD wage loss payment based on whether or not employee is back to work at full wage

Remove need for employability assessment to determine PPD wage loss payments

Use impairment rating as a component for calculation of future wage loss payments

Use employability assessment for determinations of requests for permanent total disability benefits

Increase maximum weekly PPD rates to 75% of SAWW (now at 50%)

Effective 7/1/2013 increase maximum weekly PPD rates to 100% of SAWW

Effective 7/1/2013 increase # of weeks for PPD benefits to 400 (now at 375)

Section 2 (pgs. 3-4)

Section 3 (pg. 4 and pg. 7) Leave in current definition of actual wage loss and delete change to definition of PPD

Section 5 (pgs. 14-15)

Section 8 (pgs. 18-19)

Sections 12, 13, and 14 (pgs. 22-27)

Section 16 (pg. 31)

Section 24 (pg. 39)

Section 25 (pgs. 39 – 40) Leave in current definition of disabled worker, rehabilitation benefits, rehabilitation plan, rehabilitation provider and rehabilitation services

Section 27 (pg. 41)

Section 29 (pgs. 43-44)

Section 31 (pgs. 45-47)

Section 38 (pg. 51)