

Minutes  
Labor-Management Advisory Council on  
Workers' Compensation  
Teleconference Meeting  
February 13, 2015

LMAC members present: Lt. Governor Angela McLean, Bob Worthington, Don Judge, Bill Dahlgren, Marv Jordan, Al Smith, Doug Buman, Chris Cavazos, Kevin Braun, and Margaret Wallace for Jean Branscum. Annette Hoffman gave her proxy to Bob Worthington. Jim Larson gave his proxy to Al Smith.

Core Team members present: Diana Ferriter, Mark Cadwallader, Bryan Page, and Anne Wolfinger

About 25 members of the public attended, primarily by teleconference.

I. Approval of Agenda/Minutes

A motion to approve the minutes from the February 6, 2015 meeting was made, seconded and approved after they were amended to state LMAC supports HB 413 without amendments.

II. Status of Bills Supported by LMAC

HB 90-Revise Workers' Compensation Laws was heard on Monday, February 9, 2015. There was no opposition to the bill. Senator Buttrey offered to amend the bill regarding paid time off in Section 3, page 8, line 29. This was discussed with Representative Olson and "other than sick leave" was inserted. Bob moved, Don seconded a motion to support the bill as amended. The motion carried unanimously.

SB 4 -Authorize Temporary Appointment in Vacancy of Workers' Compensation Judge has passed both chambers and is ready for the Governor's signature.

SB 259-Revising Workers' Compensation and Occupational Health and Safety Assessments, was heard February 10, 2015. There were no opponents and is now waiting for executive action.

HB 413-Create OSHA Laws Applicable to Private Employers was heard on February 11, 2015. This is the enabling legislation for a state-based OSHA. It has passed the committee executive action and will go to the House floor. The Lt. Governor talked with Rep. Hunter and he wanted to know if the LMAC would support adding an agriculture representative to the Advisory Board. LMAC members want to keep the balance between labor and management on the Board and would consider an amendment that keeps that balance.

III. Status of Bills Monitored by LMAC

HB 17-Require Workers' Compensation Insurers to Provide Loss Information. Diana advised the bill has a fiscal note which will be insignificant to the Department.

HB 271-Revise Laws Regarding Physician Dispensing of Prescription Medication was heard January 30, 2015. No executive action has been taken.

HB 299-Revise Workers' Compensation Claim Penalty Laws will be heard February 17, 2015 at 8:00. Diana will attend as an informational witness.

HB 36 -Revise Occupational Health and Safety Standards was heard February 09, 2015. No executive action has been taken.

SB 103-Provide Presumptive Disease Coverage for Paid Firefighters was heard February 11, 2015. No executive action has been taken.

SB 123-Revise the Regulatory Authority over the Montana State Fund passed in the Senate and has been referred to the House Business and Labor Committee. A hearing has not been scheduled.

SB 254-Generally Revise Laws Related to the Montana State Fund was heard February 13, 2014. No executive action has been taken.

SB 258-Revise Workers' Compensation Laws Relating to Religious Employer Definition has not been scheduled for hearing.

#### IV. New Bills

SB 292-Generally Revise Workers' Compensation Laws. This bill would create a drug formulary for workers' compensation. The hearing will be held February 18, 2015 at 8:00 a.m. Diana will attend as an informational witness. There would be a fiscal impact to hire a contractor with expertise in drug formularies. Diana advised they would try to find a public domain formulary as it could have an impact if the assessment bill does not pass.

SB 288-Medical Recovery of Workers' Compensation Payment from at Fault Parties will be heard February 17, 2015.

#### V. Unintroduced Bills

LC0588-Revise Terms for Treating Physician Designation in Workers' Compensation Cases is now HB 500 and has not been scheduled for hearing.

LC 2221-Provide Extraterritoriality Option for Workers' Compensation. The draft is not out yet. It will try to limit Montana employers from providing coverage in both Montana and North Dakota. The Governor is drafting a letter to the governor of North Dakota on this issue.

Mark Cadwallader advised the LMAC of LC 1456 which is Revise Workers Compensation Laws Related to Administrative Expenses of the Montana State Fund.

#### VI. Next steps

The LMAC will meet next Friday, February 20, 2015.