

# 2025 Work Comp Legislation

WORKERS' COMPENSATION SECTION



Montana Department of  
**LABOR & INDUSTRY**

# Passed Into Law:

**HB143** Treating Physician to Include Physician Assistants Without Regard to Proximity to Other Providers.

Signed by Governor: 04/16/2025

Effective: 04/16/2025

Rules: No

Bill changes the definition of Treating Physician by removing the Physician Assistant requirement “if there is not a Treating Physician in the area where the Physician Assistant is located, Current law requires Physician Assistants to have 8000 hours of service under the supervision of a physician,

**HB197** Temporary Total Disability Terminate on the Date Injured Worker is Released to Full Duty Prior to or on Maximum Medical Improvement

Signed by Governor: 04/07/2025

Effective: 07/01/2025

Rules: No

Bill overturns the “Rainey” Work Comp Court decision requiring the 14-day notice for full duty release to return to work.



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## **HB367 Employer Provided Transportation & Reimbursement NOT dispositive of Course and Scope of Employment**

**Signed by Governor: 05/01/2025**

**Effective: Injury or Death occurring on or after 10/01.2025**

**Rules: No**

**Bill to address when the injured employee is in course and scope in employer provided transportation or reimbursement.**

## **HB428 Dept. Bill – Employer Defined – Administration Fund QERs – Medical Status Form**

**Signed by Governor: 05/01/2025**

**Effective: 10/01/2025**

**Rules: Yes**

**Bill clarifies the definition of employer in a borrowed employee situation, provides for annual reporting rather than quarterly reporting of medical benefits pain for the WC Administration Fund, provides language changes to the Medical Status Form.**



## **HB516 Workers' Compensation Court Moved to Judicial Branch**

Signed by Governor 05/13/2025

Effective: 07/01/2025

Rules: No

Bill moves the WC Court from the Department of Labor to the Judiciary.

## **SB109 Treating Physician to Include Physical Therapist**

Signed by Governor: 04/16/2025

Effective: 10/01/2025

Rules: No

Bill adds a Physical Therapist licensed by the State of Montana to the definition of Treating Physician.

## **SB338 Authorizing Administrator to Receive Benefits on Behalf of Minor Child or Incompetent Person, Judge to Appoint**

Signed by Governor: 04/16/2025

Effective: 04/16/2025

Rules: No

Provides the WC Court Judge with the authority to appoint or terminate a Guardian ad Litem.

# Failed Legislation:

## **HB552 Coverage for PTSD to First Responders**

Bill provided coverage under the Work Comp Act for diagnosed PTSD as a result of work for First Responders, required claims to go through the WC process for compensability determination. However, it provides a carve out from the existing prohibition on 'mental-mental' claims for law enforcement and first responders.

## **HB727 Workers' Compensation Competitive Markets**

Bill required an annual measure of competition of Plan 2 and Plan 3 carriers and if none is found to exist, after a hearing, the Commissioner of Securities and Insurance take action to promote new insurers to the market, limit large mergers of insurers, promote consumer education and prohibit or limit by at least 50% the premium written by producer agencies to MSF.

## **HB805 Prohibiting Aliens Unlawfully Employed from Being Eligible for Workers Compensation & Termination of Claim when Claimant has Left the United States and Certain Territories**

Bill permitted termination of benefits for illegal aliens and was intended to terminate benefits for legal aliens who leave the country while collecting workers' compensation benefits. (even if they are legally required to do so). The bill was drafted so that anyone leaving the US, while on benefits would have their benefits terminated.



## **SB202 Benefits on Behalf of Others**

Bill provided authority for the Work Comp Court Judge to appoint Guardian ad Litem. Bill supplanted by SB338

## **SB291 Wages – Annual Adoption of Housing Rates**

Bill provided that the Department of Labor and Industry annually adopt housing rates.

## **SB293 Tortfeasor's Liability Insurance Limits**

Bill required insurance carriers to provide policy limit information to claimants prior to litigation

## **SB295 Right for Injured Worker to Designate a Treating Physician**

Bill would have changed the choice of physician from employer to employee.

## **SB308 Remove State's Average Weekly Wage Cap, Limit to \$2,885 a Week**

Bill eliminates the States Average Weekly Wage benefits (SAWW) cap, Bill was amended to provide a \$150,000 cap or \$2885 a week instead of eliminating the SAWW cap.

## **SB345 Evidentiary Standards – Treating Physician not Entitled to Deference - Change 39-71-605**

Bill to end the deference to treating physicians in litigated cases, Judge provide credibility on testimony and experience, address access for an IME and provide some ancillary benefits to support an IME when travel is involved. Bill limits the Department's ability to order continuation of benefits and to clarify medical benefits paid under a reservation of rights (615) to medical benefits only.



## **SB346 When Benefits Can be Ordered Reopened 39-71-610**

Bill to limit the ability of the Department of Labor to order the continuation of benefits and to clarify that benefits provided under the medical benefits reservation of rights cannot include indemnity benefits.

**SB394 Providing WC Coverage of PTSD for First Responders, Fire Fighter, Law Enforcement Officer.**

Vetoed by Governor: 06/04/2025

Effective: 07/01/2025

Rules: NO

Bill provides that First Responders may be eligible for PTSD claims coverage under the Workers Compensation System

# Resolutions:

**HJ68** Interim study of the Montana State Fund's Plan 3 Workers' Compensation Insurance

Failed 04/28/2025

Legislative Council examine Montana State Fund: class codes, rate, tiers, discounts, dividends, & whether Montana State Fund agents are monetarily incentivized for acquiring state employee workers' compensation policies.



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