

# House Research Act Summary

**CHAPTER:** 75

**SESSION:** 2009 Regular Session

**TOPIC:** Workers' Compensation

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## Overview

Contains the recommendations of the Workers' Compensation Advisory Council.

### Section

- 1 Permanent partial disability.** Provides a new permanent partial disability compensation schedule and makes its application retroactive to injury dates since October 1, 2000.
- 2 Review panel.** Specifies that the Rehabilitation Review Panel must include two licensed or registered health care providers in place of two members from medicine.
- 3 Disciplinary action.** Makes the same change as above with regard to panel member alternates.
- 4 Rehabilitation Review Panel meetings.** Allows the review panel to conduct electronic meetings except in cases where the panel is making a decision in a contested case. Sets forth the conditions for electronic meetings.
- 5 Medical Services Review Board.** Modifies the membership of the review board by eliminating representation by the general public, requiring an occupation therapist member, and replacing "hospital administration" representatives with "hospital" representatives.
- 6 Commencement of payment.** Modifies the date for commencement of payment in situations where the payment has been reduced.
- 7 Medical bills and records.** Requires itemized statements to be submitted in standard electronic transaction format.
- 8 Data.** Requires insurers and self-insured employers to retain billing data electronically transmitted by providers and insurers for seven years under Department of Health electronic

transaction format standards. Data must be made available to the commissioner of labor and industry within 120 days of a request. The data is confidential and non-public.

- 9 **Employer's physician.** Prohibits exams from being conducted in a hotel or motel.
- 10 **Recovery of overpayments.** Prohibits an employer or insurer from offsetting an overpayment of benefits against medical expenses or penalties awarded to an employee for late or under payment of benefits.
- 11 **Data sharing.** Allows sharing of data between the departments of labor and industry, employment and economic development, human services, agriculture, transportation, and revenue to include social security numbers and federal employer identification numbers.
- 12 **Special compensation fund.** Requires a compensation judge to assess employers found to be not insured or self-insured for any actual and necessary disbursements of the employee paid or reimbursed by the special compensation fund and any attorney fees paid to the employee's attorney by the special compensation fund.
- 13 **Record from other state agencies.** Strikes reference to Chapter 13 in current law language allowing the commissioner to obtain names or lists of employers doing business in the state.
- 14 **Time limitation.** Specifies that an employer, who provides notice through the department's OSHA division of serious injury or death within the eight hour time frame required by law, has satisfied the notification requirements under workers' compensation.
- 15 **Time.** Provides that all hearings must be held within at least 26 months after a petition has been filed unless the chief administrative law judge orders a later date for a hearing.
- 16 **Subpoenas not permitted.** Expands the circumstances under which a rehabilitation review panel or medical services board member or department employee may not be subpoenaed.
- 17 **Repealer.** Repeals language relating to continuing education for workers' compensation judges.