

HB 643 -- Workers' Compensation Benefits

Co-Sponsors: Lowe, LeVota, Burnett, Zweifel, George, Johnson
(90), Walsh

This bill makes several changes to the workers' compensation law.
The bill:

(1) Changes the benefit for physical rehabilitation from \$40 to 50% of the applicable temporary-total disability compensation rate from the Second Injury Fund;

(2) Eliminates the employers' or insurers' sole right to select any physician, facility, or institution to provide physical rehabilitation;

(3) Entitles an employee who has received workers' compensation benefits and has been released by his or her physician to return to work to continuous employment with the same employer in the same occupation engaged in when the employee left work without reduction in wages or benefits;

(4) Prohibits any reduction in Family and Medical Leave Act entitlements or restoration rights, or any similar federal or state laws, as a result of work time lost due to an occupational injury or illness;

(5) Requires the Director of the Division of Workers' Compensation to determine if an injured worker has sustained an injury that results in a loss of suitable, gainful employment within 60 days from the employee's application for vocational rehabilitation services instead of 120 days from the date of the injury;

(6) Requires rehabilitation practitioners or providers retained by an employer to begin providing service within 10 days instead of 90 days;

(7) Allows the director, instead of the employer, to extend the period of a vocational rehabilitation plan and extend it for a reasonable period of time instead of only an additional 26 weeks. The plan should seek to restore the employee to suitable, gainful employment at a comparable wage. The cost limit for the plan is removed;

(8) Sets the date at which interest penalties can be charged for weekly benefit payments at 30 days past the due date;

(9) Sets the weekly compensation level at 66.67% of the employee's average weekly earnings and increases the maximum

weekly compensation paid to 200% of the state average weekly wage and the minimum to 66.67% of the federal minimum wage after August 28, 2003; and

(10) Requires, in the case of a civil action of an employee against an employer for discharge or discrimination due to the exercise of any rights related to workers' compensation, that an employee prove by a preponderance of the evidence that the employer knew, or by the exercise of ordinary care, should have known, that the discharge or discrimination was related to the employee's exercise of his or her rights.