

HB 1640 -- Workers' Compensation Benefits

Sponsor: Johnson (90)

This bill makes changes to the laws regarding workers' compensation. The bill:

(1) Requires that in the case of a serious injury involving a disability, the Director of the Division of Workers' Compensation is to request the payment of 50% of the applicable temporary-total disability compensation rate per weekly benefit from the Second Injury Fund to the employee while being rehabilitated. The employee will remain employed at the same wage rate, and no employee entitlements or rights will be reduced while the employee is unable to work;

(2) Reduces from 120 days to 60 days the period of time between the employee's application for vocational rehabilitation services and the director's determination that the injury results in loss of employment;

(3) Reduces from 90 days to 10 days the period of time between the employer's retention of a rehabilitation practitioner and the practitioner's determination that rehabilitation services are necessary;

(4) Allows the director the discretion of extending the rehabilitation services treatment period;

(5) Provides that disputed unpaid weekly benefit payments or a disputed lump-sum payment, currently deemed past due 30 days after the administrative law judge's order, are deemed past due 30 days after the payment is due; and

(6) Increases, effective August 28, 2004, the temporary-total disability amount the employer is required to pay to 66 2/3% of the employee's average weekly earnings at the time of the injury, except that the amount must not exceed 200% of the state average weekly wage or be less than 66 2/3% of the federal hourly minimum wage rate multiplied by a 40-hour work week.