

HB 2267 -- WORKERS' COMPENSATION

SPONSOR: Eggleston

This bill modifies the adjudicative process for disputes in workers' compensation claims relating to the modification, delay, or denial of health care service or aid received by an employee under a medical review decision. Specifically, the Director of the Division of Workers' Compensation is required to contract with up to three independent review organizations (IROs) to resolve such disputes through the process of an independent medical review (IMR).

Within 20 days of the receipt of a request for an IMR and all medical records related to the dispute that are in possession of the director, the IRO must submit to the director its opinion of the issues reviewed. A dispute resolved by an IRO must be certified by the director within 10 calendar days of the decision and must be considered binding on the parties, provided that the director can order further review by the IRO under certain circumstances.

A dispute resolved by an IRO and certified by the director may be appealed to an administrative law judge (ALJ) by the employer or employee no later than 10 calendar days after the certification of the decision. An ALJ has 21 calendar days to review such decision. The ALJ is required to remit the case back to the director for a new IMR under specific circumstances outlined in the bill.

Otherwise, the decision of the IRO shall remain binding.

The bill includes certain conflicts of interest restrictions governing IROs retained by the director. Specifically, a retained IRO cannot have any material, professional, familial, or financial interest in the case.

This bill is the same as SB 897 (2020).