

HB 497 -- WORKERS' COMPENSATION

SPONSOR: Christ

Under current law, an injury is compensable if the accident was the prevailing factor in causing both the resulting medical condition and disability. This bill now provides that the injury is compensable if the accident was the prevailing factor in causing the injury, the resulting medical condition, the disability, and the need for treatment. The bill modifies the definition of injury due to an occupational disease; injury due to repetitive motion; and to the "prevailing factor" test definition.

In addition, for an employee to receive medical treatment, the accident or occupational disease must be the prevailing factor in causing the injury, the resulting medical condition and the need for treatment.

The bill requires consideration of any savings or insurance of the injured employee from governmental or private sources, benefits derived from the employer's insurance, and any savings or insurance procured or sponsored by the employer, when determining compensation as specified in the bill.

Administrative law judges (ALJ) or the Labor and Industrial Relations Commission (LIRC) have authority to order employers to make payments only to the medical provider or providers to whom bills are due in cases where they determine the employer is responsible for disputed medical bills.

This bill authorizes an employer to file a motion to dismiss a claim for compensation within 180 days of filing a claim, if the Division of Workers' Compensation has not already set the matter for a hearing. The employer may file a motion to dismiss the claim raising one or more grounds provided in the bill. The bill outlines the evidence to be submitted by the parties relating to the issues to be determined at the evidentiary hearing and the time line for an ALJ to issue an order which is subject to review by the LIRC.

Under current law, a temporary or partial award of compensation may be modified and kept open until a final award can be issued and if the temporary or partial award is not complied with, the compensation amount awarded and unpaid may be doubled in the final award. This bill repeals this penalty language and specifies that the temporary or partial award is subject to review and appeal after the date of the final award.