

BILL SUMMARY - CARRYOVER

August 11, 2011

2011 Nebraskans' For Workers' Compensation Equity Bill Analysis & Disposition Form

One Hundred Second Legislature
First Session

Bill Introducer Committee Hearing Date		NWCEF Position	Status
LB 120 Avery Appropriations Hearing 2/14/2011	STATE RISK MANAGEMENT PROGRAM Would authorize payment of costs of administering the Risk Management Program out of the Workers' Compensation Claims Revolving Fund and the State Insurance Fund, which are funded by assessments against state agencies. Would also eliminate any future appropriation of General Funds for the Risk Management Program.	Watch	In Committee
LB 141 Lautenbaugh Business & Labor Hearing 3/14/2011	WORKERS' COMPENSATION/FIRST REPORTS OF INJURY Would prohibit disclosure to the public of (a) records relating to initial accident reports received by law enforcement agencies in the course of reporting and investigating traffic accidents; and (b) records relating to first reports of injury for workers' compensation claims.	Support	In Committee
LB 153 Lathrop Business & Labor Hearing 2/14/2011	WORKERS' COMPENSATION/REGULAR CHARGE FOR SERVICES Would repeal provisions of the Workers' Compensation Act limiting an employer's liability for certain medical, surgical, and hospital services to an amount not to exceed the regular charge for such services in similar cases.	Oppose	In Committee
LB 184 Smith Business & Labor Hearing 3/7/2011	WORKERS' COMPENSATION/INTEREST RATE ON AWARDS Would revise the interest rate applicable to an award of workers' compensation benefits when an attorney's fee is allowed from the rate provided in section 45-104.01 (14 percent) to the rate provided in section 45-103 (judgment rate).	Support	In Committee

Bill Introducer Committee Hearing Date		NWCEF Position	Status
LB 245 Carlson Business & Labor Hearing 3/7/2011	<p>WORKERS' COMPENSATION/RELEASE OF EMPLOYEE MEDICAL RECORDS</p> <p>Would require any employee filing a claim for workers' compensation benefits to provide a patient's waiver upon the request of a compensation insurer, employer, or self-insurer to assist in the investigation of the employee's claim. Failure to provide the patient's waiver would toll the commencement of the 30-day period for purposes of liability under the penalty provisions of the Workers' Compensation Act. Would exempt records relating to sexual abuse, human immunodeficiency virus, reproductive health conditions, mental health condition, unless seeking benefits for mental health injuries or alcohol or controlled substance abuse from being disclosed pursuant to a patient waiver.</p>	Support	In Committee
LB 262 Lathrop Business & Labor Hearing 1/24/2011	<p>WORKERS' COMPENSATION/SAFETY COMMITTEES</p> <p>Would repeal the requirement for employers to comply with a series of health and safety regulations, including elimination of the requirement for an employer to have a workers' compensation safety committee.</p>	Watch	General File
LB 272 Fulton Business & Labor Hearing 3/14/2011	<p>WORKERS' COMPENSATION/CONFIDENTIALITY OF RECORDS</p> <p>Would seal the first report of injury filed with the Nebraska Workers' Compensation Court to prevent the name of an injured employee from being revealed, with certain exceptions for parties to WC lawsuits, insurance companies, state or federal government investigations for the compilation of statistical information, and for the purpose of identifying the number and nature of any injuries of employees to an employer without identifying the identity of an employee.</p>	Support	In Committee
LB 290 Pankonin Health & Human Services Hearing 1/27/2011	<p>HEALTH CARE INFORMATION</p> <p>Would require a health care facility or health care practitioner facility, upon written request of a patient or a patient's representative, to provide, without charging, within 14 days after the request, a reasonable description of the procedure, supplies, and other services provided for the care of the patient and the charge for each item or category of such procedures, supplies, and other services. Would eliminate requirement to provide an itemized billing statement, including diagnostic codes, to the patient or the patient's representative.</p>	Oppose	In Committee

Bill Introducer Committee Hearing Date	WORKERS' COMPENSATION/MODIFICATION OF AWARDS	NWCEF Position	Status
LB 291 Nelson Business & Labor Hearing 3/14/2011	<p>Would provide greater flexibility and fairness for both employers and employees in cases in which an increase or decrease in compensation is warranted, but the filing of an application is delayed. Would grant the Workers' Compensation Court discretion to require repayment of an overpayment by an employee when no further benefits are payable, but require mandatory reimbursement of the overpayment by the employee in cases in which future income benefits are due. Would additionally require an employer to reimburse the employee for underpayments resulting from a modification, irrespective of whether future benefits are due.</p>	Support	In Committee
LB 341 Smith Business & Labor Hearing 3/7/2011	<p>WORKERS' COMPENSATION</p> <p>Would subject workers' compensation benefits to income withholding under the Uniform Interstate Family Support Act without the need for an order under such Act to be registered within the state of Nebraska.</p>	Support	In Committee
LB 346 Conrad Business & Labor Hearing 3/14/2011	<p>WORKERS' COMPENSATION</p> <p>Would authorize the Nebraska Workers' Compensation Court to issue contempt orders and to sanction or to otherwise enforce conformity with a contempt order.</p>	Support & Seek Amendments	In Committee
LB 348 Lautenbaugh Business & Labor Hearing 3/14/2011	<p>WORKERS' COMENSATION/PREVAILING FACTOR</p> <p>Would limit an employer's liability for medical conditions and disabilities resulting from an accident to those for which the accident was the prevailing factor in causing both the personal injury and the resulting disability. (Under this measure, gradual deterioration or progressive body degeneration caused by aging or the normal activities of day-to-day living would not be compensable.)</p>	Support	In Committee

Bill Introducer Committee Hearing Date		NWCEF Position	Status
LB 506 Wallman Business & Labor Hearing 2/14/2011	<p data-bbox="305 268 1071 304">WORKERS' COMPENSATION/DEFINITION OF WAGES</p> <p data-bbox="354 321 1136 562">Would expand the definitions of wages for purposes of the Workers' Compensation Act to include the money rate at which services rendered are compensated for death benefits for the dependents of a retired worker who died as a result of an occupational disease under the contract for hire in force when the retired worker was last employed by the employer found liable for the occupational disease.</p>	Oppose	In Committee
LB 643 Lautenbaugh Gov't-Military & Veterans Affairs Hearing 3/10/2011	<p data-bbox="305 657 573 693">PUBLIC RECORDS</p> <p data-bbox="354 709 1136 814">Would prohibit disclosure to the public of records relating to initial accident reports received by law enforcement agencies in the course of reporting and investigating traffic accidents.</p>	Watch	In Committee
LB 694 Conrad Judiciary Hearing 2/17/2011	<p data-bbox="305 945 613 980">MEDICAL EVIDENCE</p> <p data-bbox="354 997 1136 1234">Would allow, in the discretion of the court, admission into evidence in lieu of or in addition to personal testimony, written reports by and itemized bills of a physician, surgeon, dentist, chiropractor, physical therapist, mental health provider, or vocational rehabilitation expert, duly signed, in any trial before any court in this state in which the amount in controversy is less than \$25,000.</p>	Watch	In Committee

NATA
BILLS OF CRITICAL INTEREST

[LB 141](#)

Sponsor: Lautenbaugh

Committee: Business & Labor

Hearing Date: 3/14/2011

Status: Held in Committee

CLOSING PUBLIC ACCESS TO RECORDS: Would allow public entities to withhold from the public initial accident reports received by law enforcement agencies and first reports of injury for workers compensation claims. NATA position: Oppose

[LB 151](#)

Sponsor: Lathrop

Committee: Business & Labor

Hearing Date: 1/24/11

Status: Passed on Final Reading

Priority: Committee 3/10/2011

WORKERS COMPENSATION COURT CHANGES: Would authorize the Nebraska Workers Compensation Court to locate its offices outside of the State Capitol building. It would also clarify when a case may be dismissed without prejudice and would authorize the use of telephonic or videoconferencing hearings. NATA position: Monitor

[LB 153](#)

Sponsor: Lathrop

Committee: Business & Labor

Hearing Date: 2/14/2011

Status: Held in Committee

WORKERS COMPENSATION: REIMBURSEMENT FOR MEDICAL SERVICES: Would clarify that employers' liability for all reasonable medical, surgical and hospital services are subject to the approval of and regulation by the Nebraska Workers Compensation Court. NATA position: Support

[LB 184](#)

Sponsor: Smith Schilz

Committee: Business & Labor

Hearing Date: 3/7/2011

Status: Held in Committee

WORKERS' COMPENSATION: INTEREST RATE: Would change the interest rate on delinquent compensation payments from the interest rate applied to delinquent taxes to the interest rate applied to judgment. NATA Position: Oppose

[LB 238](#)

Sponsor: Conrad

Committee: Business & Labor

Hearing Date: 2/14/2011

Status: Held in Committee

WORKERS COMPENSATION: ELIMINATION OF THREE-JUDGE PANEL: Current law requires a workers' compensation claim to be heard by a single judge of the Workers Compensation Court. If either party disagrees with the result, the party may request review by a three-judge panel of the Workers Compensation Court. If either party disagrees with the decision of the three-judge panel, the claim may be appealed to the Court of Appeals. This bill would eliminate the layer of appeal to the three-judge panel and would have appeals from the single judge go directly to the Court of Appeals. Introduced on behalf of NATA. NATA position: Support

[LB 245](#)

Sponsors: Carlson, Fulton, Smith

Committee: Business & Labor

Hearing Date: 3/7/2011

Status: Held in Committee

WORKERS COMPENSATION: TOLLING WAITING PENALTIES: Would require an employee filing a claim to provide a patient's waiver upon request. The waiver would exclude sexual abuse, AIDS, reproductive health conditions, mental health conditions or alcohol or substance abuse. Failure to execute the release would hold the commencement of the 30 day period for waiting penalties. The bill also would provide that no healthcare provider, employer, insurance carrier or self-insurer would be civilly or criminally liable for release of information pursuant to the waiver. NATA position: Oppose

[LB 272](#)

Sponsor: Fulton

Committee: Business & Labor

Hearing Date: 3/14//2011

Status: Held in Committee

WORKERS COMPENSATION: CONFIDENTIALITY RECORDS: Would provide that first reports of injury filed with the Nebraska Workers' Compensation Court be confidential. Records could be accessed by an attorney or agent of the employee, the player, insurer or, risk management rule or TPA that is a party. Records could also be accessed by an attorney, investigator, consultant or adjuster of an insurance carrier or TPA that was involved in administering benefits or by the state or federal government. Reports could be sought for the purpose of identifying the number and nature of any injuries to employees of an employer identified in the request without revealing the identity of an employee. NATA position: Oppose

[LB 291](#)

Sponsors: Nelson, Carlson, Schilz

Committee: Business & Labor

Hearing Date: 3/14/2011

Status: Held in Committee

WORKERS COMPENSATION: PERIODIC PAYMENT MODIFICATIONS: Would allow the

court, upon request of a party, to increase or decrease disability as of the date that the increase or decrease actually occurred. It would allow the modification to be retroactive to the date of increase or decrease of disability. It would allow the court, in the case of overpayment, to order the employee to repay the carrier. NATA position: Oppose

[LB 341](#)

Sponsor: Smith

Committee: Business & Labor

Hearing Date: 3/7/11

Status: Held in Committee

WORKERS COMPENSATION: WITHHOLDING FOR SUPPORT PAYMENTS: Would allow disability payments to be withheld for support orders issued pursuant to the Uniform Interstate Family Support Act. NATA position: Monitor

[LB 346](#)

Sponsor: Conrad

Committee: Business & Labor

Hearing Date: 2/14/2011

Status: Held in Committee

WORKERS COMPENSATION CONTEMPT POWERS: Would authorize the Nebraska Workers' Compensation Court to issue contempt orders and to sanction or otherwise enforce conformity with the contempt order. NATA position: Neutral

[LB 348](#)

Sponsor: Lautenbaugh

Committee: Business & Labor

Hearing Date: 3/14/2011

Status: Held in Committee

WORKERS COMPENSATION: PREVAILING FACTOR: Would require that, in order for injury to be compensable, the accident or occupational disease be the prevailing factor in the injury. Prevailing factor would mean the primary factor causing both the personal-injury and the resulting disability. NATA position: Oppose

[LB 506](#)

Sponsor: Wallman

Committee: Business & Labor

Hearing Date: 2/14/2011

Status: Held in Committee

WORKERS' COMPENSATION: OCCUPATIONAL DISEASE: Would provide that the wage rate applicable for a claim for an occupational disease by a retired worker would be the wage rate in effect at the time the worker was last employed by the employer found liable for the occupational disease. Introduced on NATA's behalf. NATA Position: Support

NATA
BILLS OF SIGNIFICANT INTERES

[LB 262](#)

Sponsor: Lathrop

Committee: Business & Labor

Hearing Date: 1/24/11

Status: General File

WORKERS COMPENSATION: ELIMINATE SAFETY COMMITTEES: Would eliminate the requirement that each employer establish a safety committee. NATA position: Monitor

NATA
BILLS OF GENERAL INTEREST

[LB 152](#)

Sponsor: Lathrop

Committee: Business & Labor

Hearing Date: 2/14/2011

Status: Signed by the Governor 5/26/11

Priority: Senator 3/10/2011

WORKERS COMPENSATION: MEDICAL FEES SCHEDULE: Current law provides that claims for inpatient trauma services be reimbursed under a fee schedule established by the compensation court rather than by the DRG inpatient hospital fee schedule until January 1, 2012. This bill would remove the sunset date, allowing inpatient trauma services to continue to be reimbursed pursuant to the court fee schedule. NATA position: Monitor