

WORKERS' COMPENSATION WORKGROUP

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Rebecca P. Edwards

LONG TITLE

General Description:

This bill creates the Workers' Compensation Workgroup.

Highlighted Provisions:

This bill:

- ▶ creates the Workers' Compensation Workgroup;
- ▶ establishes the workgroup's membership, chair, and duties;
- ▶ addresses member compensation; and
- ▶ requires the workgroup to present a final report.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-2-234, as renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

34A-2-107.1, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34A-2-107.1** is enacted to read:



28 **34A-2-107.1. Workers' Compensation Workgroup -- Creation -- Membership --**
 29 **Compensation -- Duties -- Report.**

30 (1) There is created the Workers' Compensation Workgroup within the commission
 31 consisting of the following members:

32 (a) the commissioner or the commissioner's designee;

33 (b) one member of the Senate, appointed by the president of the Senate ~~H~~→ [3] , and one
 33a **member of the House, appointed by the speaker of the House; ←H**

34 (c) four representatives of the workers' compensation insurance industry, including one
 35 member of the workers' compensation advisory council, appointed by the chair:

36 (i) two of whom are practicing attorneys with significant experience with workers'
 37 compensation; and

38 (ii) two of whom represent the Workers' Compensation Fund, an insurance carrier
 39 other than the Workers' Compensation Fund, or the self-insured industry; and

40 (d) four representatives of the labor side of workers' compensation, appointed by the
 41 chair:

42 (i) two of whom are practicing attorneys with significant experience with workers'
 43 compensation; and

44 (ii) one of whom is a member of the workers' compensation advisory council.

45 (2) The chair may appoint one or more individuals with an interest in workers'
 46 compensation to serve as ex officio, nonvoting members of the workgroup.

47 (3) The commissioner or the commissioner's designee is the chair of the workgroup.

48 (4) (a) A majority of the members of the workgroup constitutes a quorum.

49 (b) The action of a majority of a quorum constitutes the action of the workgroup.

50 (c) In the case of a tie vote, the chair and the member of the Senate appointed under
 51 Subsection (1)(b) shall break the tie.

52 (5) (a) The salary and expenses of each member of the workgroup who is a legislator
 53 shall be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
 54 Compensation and Expenses.

55 (b) A member of the workgroup who is not a legislator may not receive compensation,
 56 benefits, per diem, or travel expenses for the member's service on the workgroup.

57 (6) The commission shall provide staff support to the workgroup.

58 (7) The workgroup shall review and make recommendations on the following issues:

- 59 (a) the award of attorney fees in workers' compensation cases, including a draft rule to
 60 propose to the Utah Supreme Court;
- 61 (b) medical examinations by insurance companies;
- 62 (c) a general guideline for claims adjusters in handling claims;
- 63 (d) medical panel utilization and consistency;
- 64 (e) the change in dependant compensation amounts for temporary partial disability,
 65 temporary total disability, permanent partial disability, and permanent total disability; ~~§~~→ **[and]**
- 65a **(f) improving injured workers' accessibility to the Division of Industrial Accidents,**
 65b **including the feasibility of the Division of Industrial Accidents making the initial contact with**
 65c **an injured worker rather than relying on the injured worker to make the initial contact;**
- 65d **(g) the prevalence of and possible penalties for bad faith denials of workers'**
 65e **compensation claims by insurance carriers; and** ←~~§~~
- 66 ~~§~~→ **(h)** ←~~§~~ any additional issue that the workgroup:
- 67 (i) determines is an important issue related to workers' compensation; and
- 68 (ii) decides to review.
- 69 (8) The workgroup shall present a final report on the items described in Subsection (7),
 70 including any legislative recommendations, to the Business and Labor Interim Committee
 71 before November 30, 2017.
- 72 Section 2. Section **63I-2-234** is amended to read:
- 73 **63I-2-234. Repeal dates -- Title 34A.**
- 74 Section [34A-2-107.1](#) is repealed November 30, 2017.

Legislative Review Note
Office of Legislative Research and General Counsel