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## Legislative Review

The following provides a summary of bills that have been enacted by states during the 2010 Legislative Session. The information is obtained from the states' legislative web sites using standard search engine techniques. There is no guarantee that this document contains every piece of legislation that was enacted during the calendar year 2010 impacting workers' compensation.

### Alabama

**House Bill 546** Under existing law, the dependents of a peace officer, fireman, or volunteer fireman who is killed in the line of duty are entitled to a death benefit in the amount of \$100,000. If a death occurs within 10 years from an injury received in the line of duty and is proximately caused from the injury, the death is deemed to have occurred in the line of duty. This bill would delete the requirement that the death be within 10 years of the injury if the death results from the injury. **Effective Date April 22, 2010**

**Senate Bill 25** Currently, all claims for the death of a peace officer or firefighter must be presented within one year of the death. This bill would extend such time limit to within two years of the death of the peace officer or firefighter. **Effective Date April 14, 2010**

### Alaska

**House Bill 159** This bill increases the maximum funeral expenses payable as a workers' compensation death benefit from \$5,000.00 to \$10,000.00. **Effective Date June 16, 2010**

### California

**Assembly Bill 586** Existing law provides that, in the case of certain state and local firefighting and law enforcement personnel, the term "injury" includes hernia, blood-borne infectious disease, methicillin-resistant Staphylococcus aureus skin infection, tuberculosis, and meningitis that develops or manifests itself during a period while the member is in the service of the governmental entity, and establishes a disputable presumption in this regard. This bill would extend these provisions to members of the police departments at the University of California (UC) and California State University (CSU). This bill would also extend these provisions, in the case of either tuberculosis or meningitis, to members of police departments of a district and, in the case of a hernia, blood-borne infectious disease, or methicillin-resistant Staphylococcus aureus skin infection, to members of fire departments at UC and CSU. **Effective Date July 15, 2010**

**Assembly Bill 2253** Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires an employer to provide, or pay for all reasonable costs of, medical services necessary to care for or relieve work-related injuries. Existing law further provides that in the case of active firefighting members of certain state and local fire departments and in the case of certain peace officers, a compensable injury includes cancer that develops or manifests itself during the period when the firefighter or peace officer demonstrates that he or she was exposed, while in the service of the public agency, to a known carcinogen, as defined, and the carcinogen is reasonably linked to the disabling cancer. Existing law establishes a presumption that the cancer in these cases is presumed to arise out of, and in the course of, employment, unless the presumption is controverted by evidence that the primary site of the cancer has been established and that the carcinogen to which the member has demonstrated exposure is not reasonably linked to the disabling cancer. Existing law extends this presumption to a member following termination of service for a period of 3 calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity. This bill would, instead, extend the presumption to a member following termination of service for a period of one year for each full year of the requisite service, but not to exceed 180 months in any circumstance,

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commencing with the last date actually worked in the specified capacity. **Effective Date January 1, 2011**

**Assembly Bill 2305** Existing law requires private employers to secure the payment of compensation by obtaining and maintaining workers' compensation insurance or to self-insure as an individual employer or as one employer in a group of employers. The Contractors' State License Law requires every licensed contractor to have on file at all times with the Contractors' State License Board a current and valid Certificate of Workers' Compensation Insurance or Certification of Self-Insurance, or a statement certifying that he or she has no employees and is not required to obtain or maintain workers' compensation insurance coverage. Existing law, until January 1, 2011, requires a contractor with a C-39 roofing classification to obtain and maintain workers' compensation insurance even if he or she has no employees. Failure to comply with this requirement results in the automatic suspension of the license. However, with respect to a license that was active on January 1, 2007, and included a C-39 roofing classification, existing law, until January 1, 2011, requires the registrar of contractors, in lieu of suspending the license, to remove the C-39 roofing classification from the license if the contractor does not have workers' compensation insurance coverage. This bill would extend the operation of those provisions until January 1, 2016, with respect to a license that is active on January 1, 2011, with a C-39 roofing classification. **Effective Date January 1, 2011**

**Senate Bill 156** This bill would authorize the Department of Insurance to convene meetings with insurers to discuss emerging trends and schemes involving insurance fraud and would provide that any person sharing information pursuant to that authorization would be protected from civil liability, as specified. This bill would also require employers to send an employee an explanation of benefits notice when the employer pays for certain medical treatments or services as a result of the employee's workers' compensation claim, and would authorize the employer to send a notice about other medical payments, as specified. **Effective Date January 1, 2011**

**Senate Bill 1254** This bill would authorize the registrar of contractors to issue a stop order to any unlicensed contractor who has failed to secure workers' compensation insurance coverage for his or her employees. The bill would make a failure to comply with the stop order a crime, thereby imposing a state-mandated local program. Existing law authorizes the Director of Consumer Affairs to designate 3 persons as peace officers to be assigned to the special investigations unit of the board. This bill would authorize the director to designate 12 persons as peace officers for assignment to the special investigations unit of the board. **Effective Date January 1, 2011**

## Colorado

**House Bill 10-1009** The bill requires 2 employee members of the board of directors of Pinnacol Assurance (board) to be non-management employees. This bill adds 2 additional members to the board: An injured worker and the executive director of the Colorado department of labor and employment or his or her representative. The bill increases the per diem for the board members from \$140 to \$250. The bill requires the board to post the date, time, and location of board meetings on the Pinnacol Assurance web site at least 7 calendar days prior to a meeting. Requires the board to allow reasonable time for public comment at all board meetings. **Effective Date July 1, 2010**

**House Bill 10-1038** This bill establishes an Interim Committee to study issues related to Pinnacol Assurance. The bill requires the employer or the employer's insurance carrier to provide a brochure to a workers' compensation claimant, in a form approved by the director of the division of workers' compensation, that describes the entities the claimant may contact for information, the claimant's rights related to his or her medical treatment and rights to receive benefit payments, and the claims process. **Effective Date May 26, 2010**

**House 10-1108** The bill establishes that a written contract between a coach and a nonprofit youth sports organization, declaring that the coach is an independent contractor and not an employee of the organization, is conclusive evidence of the independent contractor relationship between the coach and the organization. The bill requires the written contract to contain a conspicuous declaration, acknowledged by the coach and organization, indicating that the coach is an independent contractor, is not entitled to unemployment insurance and workers' compensation benefits, and is obligated to pay income taxes on any moneys paid to the coach under the contract for services performed for the organization. **Effective Date April 15, 2010**

**House Bill 10-1109** As a condition of participating in the federal prison industry enhancement certification program (PIECP), federal law requires workers' compensation benefits to be made available to an inmate working in a PIECP-certified training, rehabilitation, or work release program. In order to comply with that requirement, the bill clarifies that, for the purposes of state laws concerning workers' compensation, the term "employee" includes an inmate of a city, county, or city and county jail who is working, performing services, or participating in a program that has been certified under the PIECP. Further, for workers' compensation purposes, PIECP-certified programs shall carry workers' compensation insurance, and an inmate working in a PIECP-certified program is an employee of that

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program. In order to provide cities, counties, and cities and counties with more insurance options for PIECP-certified programs, current law is amended to allow public entities to select more than one method of workers' compensation insurance. The bill also clarifies that workers' compensation benefits to which an inmate is entitled as a result of working in such a program shall not be suspended for the period of time during which the inmate is incarcerated.

**Effective Date April 29, 2010**

**House Bill 10-1220** The bill repeals the statutory authorization for the formation of employers' mutual liability companies and self-insurance pools for the purpose of providing coverage such as workers' compensation coverage.

**Effective Date July 1, 2010**

**House Bill 10-1247** This bill implements the recommendations of the department of regulatory agencies in its sunset review of the workers' compensation classification appeals board by continuing the board until 2021. **Effective Date July 1, 2010**

**House Bill 10-1332** The bill creates the "Medical Clean Claims Transparency and Uniformity Act" (act), which requires the executive director of the department of health care policy and financing (department) to establish a task force of industry and government representatives to develop a standardized set of payment rules and claim edits to be used by payers and health care providers in Colorado. The task force is to track the progress of the national initiative, known as the American society for quality initiative (ASQ initiative), in the development of a national uniform, standardized set of rules and edits and avoid duplication of conflict with the ASQ initiative. The task force is to develop a base set of rules and edits using existing national industry sources and work with the ASQ initiative to develop a complete set of uniform, standardized payment rules and claim edits applicable to all types of professional services. The task force is required to report its recommendations by December 31, 2012, including recommendations to: Adopt any standardized rules and edits developed by the ASQ initiative if appropriate for Colorado, for implementation by commercial payers by the end of 2012, and by nonprofit payers by the end of 2013; or Adopt the rules and edits sets established by the task force if the ASQ initiative has not come to consensus. If the task force is required to develop its own standard rules and edits, the task force is to do so by December 31, 2012, and payers are to implement the standard rules and edits by the end of 2013 for commercial payers and by the end of 2014 for nonprofit payers. The bill precludes the use of any proprietary or other claims edits to modify the payment of the charges for covered services once the standard payment rules and claim edits are implemented. Contractual provisions between contracting persons or entities and health care providers regarding actual contracted reimbursement rates for procedures and other contractual arrangements negotiated by the parties would be preserved under the bill. The bill reorganizes provisions pertaining to health care contracts, without making any substantive changes to those provisions. **Effective Date May 26, 2010**

**Senate Bill 10-011** The bill requires a physician who has been proposed by the division of workers' compensation (division) in the department of labor and employment to perform an independent medical examination (IME) of an injured worker to disclose any business, employment, financial, or advisory relationship with an insurer or self-insured employer if a party requests the information. The bill gives a party to the IME process the right to obtain and review the information regarding any physicians proposed to conduct the IME prior to making a determination to eliminate one of the proposed physicians as an examiner. The bill also directs the director of the division to adopt rules as necessary to implement the disclosure requirements. The bill prohibits the payment of a financial incentive by an insurer, self-insured employer, or health care provider to deny or delay a workers' compensation claim, or to deny or delay medical care or payment for medical treatment for any such claim. The bill declares that a violation of its provisions constitutes bad faith and an unfair or deceptive practice in the business of insurance and subjects the person committing the violation to penalties under the unfair or deceptive insurance practices statutes, which may be up to \$3,000 per violation, not to exceed an aggregate penalty of \$30,000, or, in the case of knowing violations, up to \$30,000 per violation, not to exceed an aggregate penalty of \$750,000 annually. This bill also subjects persons violating its provisions to penalties under the "Workers' Compensation Act of Colorado". The prohibits a treating physician from communicating with the insurer or employer of an injured worker unless the injured worker is present or the communication is in writing and is provided to the injured worker. The bill specifies that contractual provisions that establish a reversionary interest in an insurer for indemnity benefits are void as against public policy. **Effective Date May 27, 2010**

**Senate Bill 10-012** This bill increases the penalty for violating the workers' compensation laws from up to \$500 to up to \$1,000. Changes the mental state from "willfully" to "knowingly" in the statute that penalizes denying workers' compensation medical benefits, delaying payment of medical benefits for more than 30 days, or stopping payments. Allows the director of the division of workers' compensation or an administrative law judge to apportion the penalties,

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in whole or part, among the aggrieved party, the medical services provider, and the workers' compensation cash fund. **Effective Date August 1, 2010**

**Senate Bill 10-013** The bill requires workers' compensation insurers to survey a limited number of injured workers at the close of each claim. The bill also requires the insurers to report the results of the surveys to the division of workers' compensation (division) in the department of labor and employment, and requires the division to post the survey results on the division's web site. The bill prohibits an employer or insurer from taking disciplinary action or otherwise retaliating against an injured worker or his or her dependents for completing a survey. The bill requires the chief executive officer of Pinnacle Assurance to submit an annual report to the governor and committees of the general assembly reporting on the business operations, resources, and liabilities of the Pinnacle Assurance fund. The bill requires the division to post on the division's web site the procedure for an injured worker to follow to file a complaint with the division regarding any issue over which the director or his or her designee has authority to pursue, settle, or enforce. **Effective Date July 1, 2010**

**Senate Bill 10-076** The bill defines as an unfair claim settlement practice and a deceptive act or practice in the business of insurance the practice of providing compensation to induce or encourage the decision to deny or delay resolution of a claim or to cancel or rescind an insurance policy. In civil actions in which a jury is to determine whether an insurer's delay or denial of a claim was reasonable, the bill allows the court to instruct the jury that the willful payment of a financial incentive is prohibited and may be considered if the prohibited conduct caused or contributed to the delay or denial and the claimant's injury, damage, or loss. The bill establishes a presumption of unreasonableness when a claim for benefits is denied or delayed and the person who makes the decision to delay or deny payment of the claim receives any personal financial incentive, including compensation, to deny or delay the claim. **Effective Date May 17, 2010**

**Senate Bill 10-112** The bill modifies 3 areas of current law regarding rate setting for workers' compensation insurance. First, under current law, when an insured employer agrees to pay a deductible as part of its workers' compensation insurance policy, the carrier is allowed to determine the amount of offset to apply to the insured employer's premium based on the deductible. The bill requires the carrier to give the insured employer credit against the premium for the full amount of the deductible. With regard to rate filings by workers' compensation rating organizations. The bill makes the complete recommendations and supporting materials of the rating organization and the independent actuary employed by the commissioner of insurance (commissioner), including any rationale for rate changes, available to the public. The bill requires the commissioner to use a competitive bid process when selecting and licensing rating organizations for workers' compensation rates that are effective on or after January 1, 2012. **Effective Date August 11, 2010**

**Senate Bill 10-163** The bill apply the provisions of Senate Bill 09-168, which bill is declared to be procedural in nature, to all workers' compensation claims regardless of the date the claims were filed. The bill requires the director of the division of workers' compensation in the department of labor and employment to promulgate rules biennially that establish a single life expectancy table based on mortality tables issued by the federal government and private industry. The bill also requires lump sum settlements to be paid to a claimant within 15 days after the respondent receives the executed settlement order. The bill requires documents to be transmitted or served using identical means to all required recipients. **Effective Date March 31, 2010**

## Connecticut

**House Bill 5201** This bill amends the penalty for late payments and surcharges to the Second Injury Fund to reflect legislative intent. **Effective Date May 5, 2010**

**House Bill 5204** This bill implements the recommendations of the joint enforcement commission on employee misclassification. **Effective Date October 1, 2010**

**House Bill 5282** This bill requires the chairman of the Workers' Compensation Commission report to the General Assembly on the status of the workers' compensation system in the state. **Effective Date October 1, 2010**

## Georgia

**House Bill 1101** A bill to be entitled an Act to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to provide for the publication of decisions of the board; to provide for the entry and execution of judgment upon final orders and decisions regarding the Self-insurers Guaranty Trust Fund; to modify the notification period for revocation of a certificate of self-insurance; to revise provisions relative to the Self-

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insurers Guaranty Trust Fund; to provide immunity from liability for members of the board of trustees of the Self-insurers Guaranty Trust Fund; to provide for related matters; to repeal conflicting laws; and for other purposes.

**Effective Date July 1, 2010**

## Hawaii

**Senate Bill 1062** This bill requires professional employer organizations to register with the department of commerce and consumer affairs. **Effective Date July 1, 2010**

**Senate Bill 2017** Allows a claims adjuster to take an examination approved by the Risk Management Agency of the United States Department of Agriculture in order to qualify for a limited insurance adjuster's license. **Effective Date July 1, 2010**

**Senate Bill 2050** Requires a provider in its rehabilitation plan to determine if modified or other work with the same employer represents suitable gainful employment. **Effective Date July 1, 2010**

**Senate Bill 2597** Clarifies that the Hawaii Employers Mutual Insurance Company shall not have any additional third-party duty nor incur any additional liability toward members or beneficiaries beyond that explicitly created by statute. Makes housekeeping amendments. **Effective Date July 1, 2010**

**Senate Bill 2697** Insurance Producers; Adjusters; Independent Bill Reviewers; Managing General Agents; Bail Agents; Port-of-Entry Insurance; Captive Insurance; Mutual Benefit Societies; Health Maintenance Organizations; Access to Records; Confidentiality of Documents; Interstate Insurance Product Regulation Compact. **Effective Date July 1, 2010**

## Idaho

**House Bill 527** Claimant's counsel must submit attorney cost and fee information with all proposed Lump Sum Settlements to the Industrial Commission. Also, if the claim was litigated, the claimant's counsel and defense counsel must submit the same attorney cost and fee information on Forms 1022 and 1023. This change would require Forms 1022 and 1023 be submitted only upon request of the Commission, which would eliminate the redundancy of information, reduce paperwork, and reduce the costs associated with mailing these forms to the attorneys. **Effective Date July 1, 2010**

## Indiana

**House Bill 1116** Worker's compensation. Provides that an employer or employer's insurance carrier may not delay the provision of emergency medical care for worker's compensation injuries or occupational disease disablements whenever emergency medical care is considered necessary in the professional judgment of the attending health care facility physician. **Effective Date July 1, 2010**

## Illinois

Illinois did not enact any legislation this year making changes to their workers' compensation statutes

## Iowa

Iowa did not enact any legislation this year making changes to their workers' compensation statutes

## Kansas

Kansas did not enact any legislation this year making changes to their workers' compensation statutes.

## Kentucky

**House Bill 38** This bill would require use of the fifth edition of AMA guides in disability determinations for claims in the workers' compensation system. **Effective Date July 1, 2010**

**House Bill 284:** Amend KRS 304.11-020 to clarify that the statute does apply to exempt commercial insurance policyholders; amend KRS 304.13-053 to repeal obsolete provisions regarding mandated workers' compensation rate adjustments; amend KRS 304.14-435 to clarify that all forms, not just applications, can be filed in a language other

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than English; amend KRS 304.14-545, KRS 304.14-622, and KRS 304.17-415 to clarify that group policies that are individually marketed are subject to return of unearned premiums; amend KRS 304.14-615 to add the inadvertently omitted word "costs" in the disclosure requirements; amend KRS 304.15-350 to correct a cross reference within the insurance code; amend KRS 304.15-717 to clarify that an antifraud plan is required, rather than permitted, to be filed with the Department of Insurance; repeal KRS 304.17A-071 to delete provisions regarding the dissolved Kentucky Health Purchasing Alliance which are now obsolete; amend KRS 304.33-430 to make a technical correction to the statute; amend KRS 304.39-060 to remove the requirement to file a no-fault rejection form with each policy offered to a prospective applicant; amend KRS 304.40-075 to require requests for medical malpractice premium reimbursements to be submitted no later than one year from the expiration of the policy for which the reimbursement is being requested; amend KRS 304.45-050 to correct a technical reference; amend KRS 304.47-020 to raise the felony amount for insurance fraud from \$300 to \$500; repeal KRS 304.17A regarding obsolete provisions of the dissolved Kentucky Health Purchasing Alliance. **Effective Date July 1, 2010**

## Louisiana

**House Bill 364** Provides for a reporting date for the annual audited financial statement due to the commissioner of insurance. **Effective Date August 15, 2010.**

**House Bill 873** Provides for an increase in criminal penalties for employers who fail to secure workers' compensation coverage for their employees and those who willfully misrepresent that compensation has been provided. Also requires that all fines collected be deposited into the Workers' Compensation Administrative Fund. **Effective Date August 15, 2010**

**House Bill 1129** This bill changes prior law by allowing the disclosure of an employer's name, his insurer's name or membership in a group self-insurance fund as of a specific date. Further provides that the office of worker's compensation is prohibited from providing information that would reveal the identity of all members or insured employees of a particular carrier or group self-insurance fund. The law provides the office of workers' compensation administration shall not provide the effective dates of coverage for a specific employer, or groups of employers either through individual requests or multiple requests. This law also provides information, which is part of employer records may be communicated if requested by a federal or state prosecuting attorney, state police, and public safety services, Dept. of Public Safety and Corrections, relative to an insurance fraud investigation or by the attorney general of this state. **Effective Date August 15, 2010**

**House Bill 1138** This law extends the date for promulgation and implementation of medical treatment guideline rules to Jan. 1, 2011. **Effective Date June 25, 2010**

**Senate Bill 42** Requires re-argument before a 5-judge panel prior to reversal or modification of judgments rendered by office of workers' compensation when one judge of the original 3-judge panel dissents. **Effective Date TBD**

**Senate Bill 106** This law retains existing law but places an affirmative burden on any person, insurer, or members of self-insurance fund who believes that a false, fraudulent, or misleading statement has been knowingly made or has been knowingly omitted with the purpose of affecting the payment of any workers' compensation premium. This law further requires that such an entity shall report such statement or omission within 60 days to the office of workers' compensation administration, at which time the office shall review such reports and determine which reports merit further investigation. The law requires the office to provide an independent examination of the facts surrounding the report. Any alleged violations of law disclosed by an independent examination of the facts shall be reported to the appropriate licensing agency and the proper prosecuting authority. This law retains the mailing of payments as permissive, but allows the electronic transfer of funds by methods including but not limited to direct deposit and debit cards. The law provides that if the payer or insurer elects to issue debit cards, the injured worker may opt to have his weekly indemnity payment paid directly into his attorney's trust account. New law provides that if such an election is made, the payer or insurer shall notify the attorney of the deposit and shall list all claims and amounts included in the deposit within 48 hours of each deposit. **Effective Date May 11, 2010**

**Senate Bill 107** Current law provides an exception to the workers compensation coverage requirement for the bona fide president, vice president, secretary, or treasurer of a corporation who owns not less than 10% of the stock therein, or a partner with respect to a partnership employing him, or a member of a limited liability company who owns not less than a 10% membership interest therein, or a sole proprietor with respect to such sole proprietorship. Allowed such persons to elect not to be covered by written agreement. Provided that such election shall not be limited, but shall apply to all trades, businesses, or occupations conducted by the corporation, partnership, limited liability company, or sole proprietorship. Provided that such an election shall be binding upon the employing

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corporation, partnership, limited liability company, and sole proprietor and the surviving spouse, relatives, personal representative, heirs, or dependents of the officer, partner, member, or sole proprietor. This law retains prior law and specifies that the written agreement be between the officer, member, or sole proprietor and his insurer or group self-insurance fund. **Effective Date August 15, 2010**

**Senate Bill 255** The law provides that the director of the office of workers' compensation shall adopt rules and regulations regarding an electronic system of submission, processing, and payment of workers' compensation-related medical bills. The law provides that insurance carriers shall accept electronic medical bills and health care providers shall accept electronic payment of such bills. The law provides that on or after 1/1/12, the director may promulgate additional rules and regulations regarding the electronic medical billing system. **Effective Date August 15, 2010.**

**Senate Bill 1138** Provides for regulation and operation of certain group self-insurance funds for workers' compensation. **Effective Date August 15, 2010**

## Maine

**Legislative Document 1528:** This bill clarifies that the Workers' Compensation Board's abuse investigation unit may share information with other state agencies to enhance interagency efforts to ensure compliance with their respective laws and rules. This bill also ensures that the coverage penalties in the Maine Workers' Compensation Act of 1992 are applied in the same manner to all business entities. **Effective Date July 20, 2010**

**Legislative Document 1529** This bill, which is in response to the decision of the Maine Supreme Judicial Court in Nichols v. S.D. Warren/Sappi, 2007 ME 103, 928 A.2d 732, provides that "disability insurance policy," as used in the coordination of benefits provisions of the Maine Workers' Compensation Act of 1992, does not include a life insurance policy that includes a disability feature. **Effective Date July 20, 2010**

**Legislative Document 1545** This bill adds specific provisions and requirements that must be met by individuals or companies in the logging industry that use bonded workers in the operation of the logging business. This is a safety bill that targets the protection of bonded workers in main. **Effective Date July 20, 2010**

**Legislative Document 1565** This bill authorizes the Executive Director of the Workers' Compensation Board to issue a stop-work order if a hiring agent or construction subcontractor has knowingly misrepresented one or more employees as independent contractors, knowingly failed to provide a workers' compensation insurance policy or knowingly provided false, incomplete or misleading information to the board concerning the number of employees. This bill also prohibits that hiring agent or construction subcontractor from performing work on a public building or other public works for a period of 3 years. **Effective Date July 20, 2010**

**Legislative Document 1566** This bill clarifies the current restrictions on Workers' Compensation Board membership related to lobbying and being a service provider to the workers' compensation system. **Effective Date July 20, 2010**

## Maryland

**House Bill 249:** This bill requires an insurer to provide notice to an independent insurance producer of a premium increase for commercial and workers' compensation insurance in a specified manner; etc. **Effective Date October 1, 2010**

**House Bill 356:** This bill establishes an application process for a forest product operator's license; providing for the term of a forest product operator's license; establishing standards and requirements for a forest product operator license holder; repealing obsolete provisions of law governing inspections of woodlands and leases on woodlands for timber harvesting; authorizing the Department of Natural Resources to suspend or revoke the license of a forest product operator under specified circumstances; etc. **Effective Date October 1, 2010**

**House Bill 405** This bill authorizes an officer of a close corporation, as defined under the laws of the jurisdiction where the corporation is incorporated, to elect to be exempt from workers' compensation coverage; clarifying that members of specified limited liability companies may elect to be exempt; etc. **Effective Date October 1, 2010**

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**House Bill 618** This bill provides that an Allegany County deputy sheriff who suffers from heart disease or hypertension is presumed under specified circumstances to have an occupational disease suffered in the line of duty; providing for enhanced workers' compensation benefits for specified Allegany County deputy sheriffs for a compensable permanent partial disability of less than a specified number of weeks. **Effective Date October 1, 2010**

**Senate Bill 53** This bill authorizes, for the purpose of computing the average weekly wage for workers' compensation benefits for specified members of the organized militia, the use of actual wages earned by the member in the member's civilian employment at the time of entry into State active duty. **Effective Date October 1, 2010**

**Senate Bill 58** This bill provides that an individual in an unpaid work-based learning experience provided by the Division of Rehabilitation Services in the State Department of Education is a covered employee for the purpose of the State workers' compensation laws; requiring a participating employer to secure workers' compensation coverage for the individual; requiring the State Department of Education to reimburse a participating employer for specified costs; etc. **Effective Date October 1, 2010**

**Senate Bill 482** This bill provides that an Allegany County deputy sheriff who suffers from heart disease or hypertension is presumed under specified circumstances to have an occupational disease suffered in the line of duty; providing for enhanced workers' compensation benefits for specified Allegany County deputy sheriffs for a compensable permanent partial disability of less than a specified number of weeks; etc. **Effective Date October 1, 2010**

## Michigan

**Senate Bill 972** The bills would do the following: This bill will allow chiropractors to diagnose and treat subluxations, misalignments, and joint dysfunction anywhere in the body; allow chiropractors to evaluate conditions or symptoms through physical examination, patient health information, and the performance and ordering of tests; prohibit the performance of invasive procedures unless allowed under departmental rules and limit to examinations of the ears, nose, and throat; prohibit treatment of fractures or dislocations, or the use of x-rays except as allowed under the legislation; give rulemaking authority to the Department of Community Health; require continuing education related to the revised scope of practice as a condition for license renewal; and not require reimbursement or coverage by insurers for any new service authorized under the revised scope of practice. **Effective Date May 1, 2010**

## Minnesota

Minnesota did not enact any legislation this year making changes to their workers' compensation statutes

## Mississippi

Mississippi did not enact any legislation this year making changes to their workers' compensation statutes

## Missouri

Missouri did not enact any legislation this year making changes to their workers' compensation statutes

## Montana

The Montana legislature did not meet in 2010.

## Nebraska

**Legislative Document 780** This bill relates to asbestos-related liabilities and adopts the Successor Asbestos-Related Liability Act. **Effective Date April 14, 2010**

**Legislative Document 829** This law relates to the Nebraska Workers' Compensation Act. It amends section 48-106, Revised Statutes Supplement, 2009. It changes certain notice requirements relating to coverage under the act. It repeals the original section and declares an emergency. **Effective Date April 13, 2010**

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**Legislative Document 872** This bill relates to workers' compensation by amending section 48-120.04, Revised Statutes Supplement, 2009. The bill changes the applicability of a medical fee schedule as prescribed and repeals the original section. **Effective Date April 13, 2010**

**Legislative Document 908** This bill relates to the Nebraska Workers' Compensation Act. The bill amends section 48-108, Reissue Revised Statutes of Nebraska. This bill changes provisions relating to claims for legal services or disbursements and repeals the original section. **Effective Date April 13, 2010**

## New Hampshire

**House Bill 216** This bill clarifies the fees for legal services rendered to workers' compensation claimants. **Effective Date January 1, 2011**

**House Bill 271** This bill establishes procedures for insurance carriers requesting medical information relating to a workers' compensation claim. **Effective Date January 1, 2010**

**House Bill 660** This bill establishes the life settlements act in New Hampshire. **Effective Date July 14, 2010**

**House Bill 1163** This bill includes railroad employees engaged in interstate commerce in the definition of "employee" with respect to private employment under the workers' compensation law. **Effective Date July 14, 2010**

**House Bill 1366** An act making certain technical corrections in the insurance laws. **Effective Date July 14, 2010**

**House Bill 1368** This bill clarifies the evidence required to establish the relationship between the employer and the person providing services under the workers' compensation law. **Effective Date July 14, 2010**

**House Bill 1371** This bill allows an injured employee to have a witness present at the examination by health care providers performing independent medical examinations and establishing a committee to study certain aspects of independent medical examinations. **Effective Date January 1, 2011**

## Nevada

The Nevada legislature did not meet in 2010.

## New Jersey

New Jersey did not enact any legislation this year making changes to their workers' compensation statutes

## New Mexico

New Mexico did not enact any legislation this year making changes to their workers' compensation statutes

## New York

New York did not enact any legislation this year making changes to their workers' compensation statutes

## North Dakota

The North Dakota legislature did not meet in 2010.

## Ohio

Ohio did not enact any legislation this year making changes to their workers' compensation statutes

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## Oklahoma

**House Bill 2911:** This bill relates to workers' compensation. It amends 85 O.S. 2001, Section 42, which relates to penalties for certain failures by employers. The bill prohibits creation of new business entity to evade certain claims or payments. **Effective Date November 1, 2010**

**House Bill 2650** This bill relates to compensation for injuries. The bill modifies definitions. The bill provides exception from liability for certain injuries. This bill specifies requirements for intentional tort actions. This bill authorizes certain court actions. The bill requires an election of remedy. The bill modifies a physician authority to specify certain work restrictions on injured employees. The bill establishes certain requirements for alternate duty assignments. The bill prohibits certain payment upon refusal of certain duties. The bill prohibits award of certain maintenance payment without certain evidence. The bill authorizes appointment of certain examiners for specified purpose. The bill modifies the schedule of certain disability payments. The bill specifies requirements of certain guidelines. The bill requires Workers' Compensation Court to comply with findings of a certain committee. The bill requires specific findings for certain orders. The bill eliminates the requirement that committee consider certain guidelines. The bill creates Task Force on Vocational Rehabilitation for Injured Workers. The bill specifies membership and appointments of members to the task force. The bill provides for designation of chair and vice-chair. The bill specifies the quorum requirement. The bill provides for travel reimbursement for members of the task force. The bill provides for staff support to the task force. The bill provides for an organizational meeting. The bill requires submission of certain reports. **Effective Date August 27, 2010**

**House Bill 2652** An Act relating to the Workers' Compensation Court; amending 85 O.S. 2001, Section 1.2, which relates to membership and terms of Workers' Compensation Court judges. The bill decreases the number of certain judges. The bill provides for permanent assignment of certain positions. The bill modifies expiration dates of certain terms. The bill increases the term of certain judges. The bill authorizes reapplication for certain positions after a specified time period. The bill authorizes salary and benefits for certain judges. The bill modifies procedures for filling of certain vacancies. The bill provides for Senate confirmation of certain appointees. The bill requires a certain amount of experience. The bill requires legislative approval for the closure of a certain court. The bill provides an effective date. **Effective Date November 1, 2010**

**House Bill 3169** This bill relate to workers' compensation. The bill amend 85 O.S. 2001, Section 2.6, as amended by Section 1, Chapter 213, O.S.L. 2009 (85 O.S. Supp. 2009, Section 2.6), which relates to Workers' Compensation Act exemptions. This bill exempts the spouse of any exempt employer. The bill provides an effective date. **Effective Date November 1, 2010**

**Senate Bill 1973** This bill only clarifies language in the workers' compensation statute. **Effective Date November 1, 2010**

**Senate Bill 1234** This bill amends Section 75, Chapter 264, O.S.L. 2006 (36 O.S. Supp. 2008, Section 924.4). This bill, which relates to affidavits of exemption modifies requirement for a certain affidavit. **Effective Date November 1, 2009**

## Oregon

The Oregon legislature did not meet in 2010.

## Rhode Island

**House Bill 7803** This bill would provide that except for information provided to the director of labor and training to obtain a certificate of compliance with the workers' compensation insurance laws, all other information would be considered confidential. **Effective Date June 25, 2010**

**House Bill 8114** This bill would make changes in the medical review procedure for claimants receiving workers' compensation benefits. **Effective Date June 22, 2010**

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**Senate Bill 2083** This act would make changes in the medical review procedure for claimants receiving workers' compensation benefits. **Effective Date January 1, 2011**

**Senate Bill 2364** This bill would require all information provided to the director would be confidential with the exception of workers' compensation insurance coverage verification. **Effective Date June 25, 2010**

## South Carolina

**Senate Bill 362** A bill to amend section 42-11-30 of the 1976 code, relating to firefighters Covered under workers' compensation law and the presumption regarding Impairment or injury from heart disease and/or respiratory disease, to provide that the impairment or injury is considered to have arisen out of and in the course of employment if they have successfully passed a physical exam within the last ten years. **Effective Date February 25, 2010**

## South Dakota

**House Bill 1118** An Act to revise certain provisions regarding fees for health services provided to South Dakota injured workers treated by out-of-state medical providers. **Effective Date July 1, 2010**

## Tennessee

**House Bill 187** This bill increases from 10 to 15 days the period of time after expiration of a building permit that the county building commission has to return a certificate of insurance or a workers' compensation policy to the person who obtained the permit. **April 9, 2010**

**Senate Bill 2928** This bill establishes date for maximum medical improvement in cases involving pain management treatments. **July 1, 2010**

**Senate Bill 2977** This bill permits association captive insurance companies to insure obligations under certain federal legislation that provides compensation and benefits to workers for job-related injuries, and further allows association captive insurance companies to hold any interest in qualified headquarters property. **Effective Date April 30, 2010**

**Senate Bill 3162** This bill enacts the Rental and Assignment of PPO Network Rights. **Effective Date January 1, 2011**

**Senate Bill 3591** This bill creates a procedure for sole proprietors, partners, officers of corporations, and members of limited liability companies engaged in the construction industry to file for an exemption from obtaining workers compensation insurance to cover themselves. **Effective Date March 1, 2011**

**Senate Bill 3731** This bill establishes a procedure for handling disputes involving future medicals in a workers compensation case after judgment or settlement. **Effective Date April 30, 2010**

**Senate Bill 7001** This bill removes provision requiring sole proprietors and partners to carry liability insurance on themselves from February 1 through June 30 2010. **January 22, 2010**

## Texas

The Texas legislature did not meet in 2010.

## Utah

**House Bill 188** This bill: repeals the reduction in workers' compensation benefits on the basis of the receipt of Social Security retirement benefits; provides intent language; requires the Labor Commission to report to the Business and Labor Interim Committee; and makes technical amendments. This bill has retrospective operation to a payment of workers compensation benefits under Title 34A, Chapter 2, Workers' Compensation Act, or Chapter 3, Utah Occupational Disease Act, Made on or after April 24, 2009. **Effective Date May 11, 2010**

**Senate Bill 231** This bill modifies the Workers' Compensation Act to address issues related to the payment of medical benefits in the case of an industrial accident. **Effective Date May 11, 2010**

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## Virginia

**House Bill 807/Senate Bill 597** This bill authorizes workers' compensation insurance carriers to file proof of coverage within 30 days of an insurance policy's inception. The filing shall be made electronically in the form prescribed by, and to the agent designated by, the Workers' Compensation Commission. **Effective Date July 1, 2010**

**Senate Bill 88** This bill requires the Virginia Worker's Compensation Commission, which administers the Criminal Injuries Compensation Fund, to adopt rates or fee schedules for payments to health care providers. The bill also provides that if a health care provider accepts payment from the Fund it is considered payment in full and the victim is not liable for the remainder. **Effective Date July 1, 2010**

**Senate Bill 610** This bill expands the options for filing materials with the Workers' Compensation Commission to include means of electronic transmission that have been approved by the Commission. **Effective Date July 1, 2010**

**Senate Bill 611** This bill authorizes the Workers' Compensation Commission to satisfy its obligations to provide copies of notices, opinions, orders, and awards by sending them by electronic communications in the manner prescribed by the Commission. **Effective Date July 1, 2010**

**Senate Bill 612** This bill repeals provisions that require the Workers' Compensation Commission to send copies of awards by priority mail with delivery confirmation or equivalent mailing option. The measure also increases the period in which an application for review of an award may be made from 20 to 30 days. **Effective Date July 1, 2010**

## Vermont

Vermont did not enact any legislation this year making changes to their workers' compensation statutes

## Washington

**House Bill 2789** This bill provides a process for the department of revenue, the department of labor and industries, and the employment security department to apply for court approval of an agency investigative subpoena which is authorized under current law in cases where the agency seeks such approval, or where court approval is required by Article 1, section 7 of the state Constitution. **Effective Date June 10, 2010**

**House Bill 3061** This bill addresses claims of insolvent self-insurers under industrial insurance. Requires the department of labor and industries to transfer the balance of any defaulted self-insured employer's deposit into the insolvency trust fund after certain actions have occurred. **June 10, 2010**

**Senate Bill 6349** This bill establishes an educational program that provides a curriculum of learning modules and supervised participation in farm work activities designed to teach farm interns about farming practices and farm enterprises. The bill also provides for a reduced workers' compensation premium for the program. **Effective Date July 10, 2010**

## West Virginia

**House Bill 4155** This bill permits revenues allocated to volunteer and part time fire departments to be used for Workers' Compensation premiums and length of service awards. **Effective Date June 11, 2010**

**House Bill 4459** This bill increases the time in which a dependent may apply for Workers Compensation death benefits where occupational pneumoconiosis is determined to be a cause of death. **Effective Date June 8, 2010**

**House Bill 4615** This bill authorizes political subdivisions to establish risk pools to insure their workers' compensation risks. **Effective Date March 12, 2010**

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## Wyoming

**Senate Bill 59** This bill provides that coverage for firefighters includes competition during employer sanctioned training events and other ancillary activities as specified; and providing for an effective date. **Effective Date July 1, 2010**

This recap represents bills enacted in states during the 2010 legislative session. If you have any questions regarding this report, please feel free to contact Todd K Brown at [tbrown@ekhealth.com](mailto:tbrown@ekhealth.com) or by calling 877-861-1595. All other information can be accessed at [www.EKHealth.com](http://www.EKHealth.com).