

MINUTES OF THE HOUSE COMMITTEE ON LABOR AND INDUSTRY.

The meeting was called to order by Chairman David Heinemann at 9:18 a.m. on February 26, 1993, in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Jerry Ann Donaldson, Legislative Research Department
Jim Wilson, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Representative Carmody concluded his subcommittee's report stating they had adopted the language in HB 2432 with a few exceptions regarding the benefit review conference. The claimants advisory service attempts to resolve the claim; those issues that are resolved can then be passed on to the Administrative Law Judge for final order; and those issues that are not resolved would go to preliminary hearing. The application for preliminary hearing triggers the benefit review conference.

The subcommittee recommended that the healing period provision apply only to true amputations.

As reported earlier, they recommended no work disability if the employee is earning a comparable wage. Concern that the employer might fire the employee soon thereafter, the subcommittee addressed the issue of what the employee could do to raise the issue of work disability again. They recommended prohibiting a lump sum settlement. Drawbacks to that procedure are that the file is left open for eight years, and the carrier would have to reserve funds for that claim even if they never were paid out, and, of course, that would affect the premium to the employer. The recommendation from the subcommittee was to prohibit lump sum settlements for work disability for a period of two years after the employee returns to work. It was felt that if the employer was going to play games, something would happen in two years. A lump sum settlement was not eliminated for the functional disability.

Jim Wilson, Revisor of Statutes, briefed the committee on the draft of the Substitute for HB 2354.

Chairman Heinemann stated that all the policy decisions from all of the subcommittees have been adopted conceptually and put into this proposal. There are two issues we need to address conceptually in this bill. If we can adopt this as a substitute bill with these proposals, we can have this in printed bill form on Monday. Chairman Heinemann asked each of the subcommittee chairmen to check each one of the points they have recommended to be sure the language of the bill says what it is supposed to say and get any errors to Jim Wilson so changes can be made. If there are any policy considerations that a subcommittee says was not handled or drafted as it should have been, Representative Webb and Representative Heinemann, both, will offer an amendment on the floor before it is taken up for consideration by the House Committee of the Whole so that our committee's intent would be carried out.

Representative Cornfield, Subcommittee No. 2 Chairperson, stated that on Page 71, Section 25 (g), of the draft under vocational rehabilitation referral to the provider for a job placement referral, her subcommittee had changed the time limit from 45 to 70 days. She requested the full committee make a decision on this issue. Representative Packer moved to change the vocational rehabilitation referral time back to 45 days. Representative Carmody seconded, motion carried.

Representative Nichols moved that on Page 47 dealing with choice of physician and health care provider, we return to current law which basically states that the employer has choice in the first instance, but it is still subject to an appeal to the Director. Representative Packer seconded. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LABOR AND INDUSTRY, Room 526-S Statehouse, at 9:18 a.m. on February 26, 1993.

Representative Smith moved that on Page 10 in Section 7 language be inserted to make it mandatory that the Director of Workers Compensation and the Commissioner of Insurance are obligated to prepare the educational material to be printed in both English and Spanish. Representative Grant seconded, motion carried.

Chairman Heinemann reminded the subcommittee chairpersons to check their sections of the proposal very carefully. He also asked the chairpersons or members of their subcommittees to carry their portions of the bill on the floor. He then asked for a motion to adopt the committee's proposals as an amendment to HB 2354 by substituting a new bill therefor and that the bill be passed as amended. Representative Mayans so moved, seconded by Representative Webb. The motion carried.

The meeting adjourned at 10:00 a.m.

GUEST LIST

COMMITTEE: HOUSE LABOR AND INDUSTRY

DATE: 2-26-93

NAME	ADDRESS	COMPANY/ORGANIZATION
GEORGE WELCH	TOPEKA	DPS
Lisa Unruh	Topeka	DOB
DICK THOMAS	TOPEKA	OTA/WORKCOMP
Bill Dunton	"	Dillon Co.
RAN COBB	Wichita	KS Assoc for Small Business
Marty Carl	Topeka	Intern
Nebie Sweeney	Overland Park	OP Chamber
Brod Smoot	Topeka	AIA
Bernie Koch	Wichita	Wichita Chamber
LARRY MAGILL	TOPEKA	PIIAK
JERRY SANDLITZ	TOPEKA	KMS
Jim Allen	"	IPRA Inc
Robert Franke	"	Ks Gov. Consulting
Larry Shaffer	"	Kns Hosp. Assoc.
Ray Rathert	"	KS Ins. Dept
Tom Slattery	"	AGC of KS
Ken Bruner	"	KDHR
Shelley Smith	Wichita	EL-II
Tom Whitaker	Topeka	Ks Motor Carriers
Bill Curtis	Topeka	Ks Assoc of School Bds
William D. Pataczek	Olathe	FRM
Steve Brown	Topeka	KS 1st District
Mickelson	"	KTRA

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