

KEY ELEMENTS IN CONSENSUS COMPREHENSIVE PACKAGE
RECOMMENDED TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE
BY THE LABOR-MANAGEMENT ADVISORY COUNCIL ON WORKER' COMPENSATION
MAY 26, 2010

Provisions requiring legislative changes

1. Course and scope language on breaks and recreational activities-39-71-118 & 39-71-407
2. Statutory closure of claims after 3 years with limited reopening provision-New Section & 39-71-704
3. Allow settlement of future medical benefits-39-71-741
4. Implement early Stay at Work/Return to Work program-New Sections
5. Provide for Return to Work Assistance upon request of claimant-New Sections
6. End TTD benefits at maximum healing & impairment rating-39-71-609 & 39-71-701
7. Begin PPD wage loss payment based on whether or not employee is back to work at full wage-39-71-116 & 39-71-703
8. Remove need for employability assessment to determine PPD wage loss payments-39-71-116, 39-71-703, and Repeal portions of Title 39, Chapter 71, Part 10
9. Codify the use of the 5th Edition of the AMA Guides to Impairment Ratings-39-71-703 & 39-71-711
10. Use impairment rating as a component for calculation of future wage loss payments-39-71-105, 39-71-116, and 39-71-703
11. Increase maximum weekly PPD rates to 75% of SAWW (now at 50%)-39-71-703
12. Effective 7/1/2013 increase maximum weekly PPD rates to 100% of SAWW-39-71-703
13. Set a 14 day time frame for insurer to accept or deny a claim-39-71-606
14. Provide retroactive payments for waiting period after 21 days of disability-39-71-736
15. Effective 7/1/2013 increase # of weeks for PPD benefits to 400 (now at 375)-39-71-703
16. Use employability assessment for determinations of requests for permanent total disability benefits-39-71-702 and new sections
17. Limited payment of attorney fees in medical only disputes-39-71-611, 39-71-612, and 39-71-614

Provisions to be adopted by administrative rule

1. Set medical fee reimbursement rates at 150% of Medicare
2. Adopt utilization and treatment guidelines for treatment of injured workers

Other recommendations

1. Continue support for WorkSafeMT Foundation to reduce frequency and duration
2. Provide long term private and public funding to support WorkSafeMT efforts