

Mid-term Assessment of SJR 30 Study of Workers' Compensation/EAIC schedule

SENATE JOINT RESOLUTION NO. 30

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to conduct a review of Montana's workers' compensation premium cost drivers as compared to premium cost drivers in other Western states with similar industries. The review is to include:

(1) the frequency of claims by types of claims;	To be reviewed at March meeting (was also part of initial overview)
(2) medical costs, in particular: (a) duration and availability of and access to medical treatments; (b) use of utilization and treatment guidelines and their effectiveness in other jurisdictions; and (c) evaluation of the impact on cost containment and access to medical treatment resulting from changes to medical fee schedules implemented by the department of labor and industry in 2007 and 2008;	-Has been part of September and November meetings. Will be expanded in January (training). -Duration - Jan. discussion -UT Guides being developed with help from a medical panel. Reviews in Sept., Nov. Suggestion of plan by March? -Report on DOLI evaluation - possibly July (full year data for all schedules by then)
(3) research and analysis on whether Montana should include presumptions regarding occupational diseases associated with specific occupations;	LMAC has reviewed -- so far no recommendations. EAIC to consider in March
(4) recommendations on the appropriate payment of attorney fees in cases involving medical benefits;	LMAC studying. EAIC to hear in March
(5) evaluation of and recommendations on exemptions in workers' compensation;	LMAC to discuss in March. EAIC may review in May.
(6) structural issues in Montana, particularly as they relate to the three-tiered system involving self-insurers, private carriers, and the Montana State Fund.	Part of January agenda.
BE IT FURTHER RESOLVED, that the study identify any additional areas that impact premium cost drivers and request the Labor-Management Advisory Council on Workers' Compensation to research these areas and the interaction between workers and employers that may affect the premium cost drivers.	This has included return-to-work, safety, and medical issues (September/November meetings) LMAC also looking at course and scope, claim closure, other benefit issues. Suggestions may be available for March EAIC meeting.
BE IT FURTHER RESOLVED, that the study incorporate reports from the Labor-Management Advisory Council and stakeholders involved in workers' compensation insurance, including injured workers, attorneys or other representatives for injured workers, insurers, and employers, and that the material from the study be compiled into a report and draft legislation for consideration by the 62nd Legislature.	All meetings have had public comment opportunities. Special effort to get employers and employees from Billings for November meeting, possibly Kalispell in March. LMAC schedule in sync with EAIC schedule.
BE IT FURTHER RESOLVED, that the study examine the operation and structure of the Montana State Fund, the Montana State Fund's relationship with state government and other insurers, and state oversight of the Montana State Fund.	January agenda

