

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 645 entitled “An act relating to workers’
4 compensation” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 21 V.S.A. § 632 is amended to read:

8 § 632. COMPENSATION TO DEPENDENTS; ~~DEATH BENEFITS~~

9 BURIAL AND FUNERAL EXPENSES

10 If death results from the injury, the employer shall pay to the persons
11 entitled to compensation or, if there is none, then to the personal representative
12 of the deceased employee, the actual burial and funeral expenses ~~in the amount~~
13 ~~of \$5,500.00~~ not to exceed \$10,000.00 and the actual expenses for out-of-state
14 transportation of the decedent to the place of burial not to exceed ~~\$1,000.00~~
15 \$5,000.00. The employer shall also pay to or for the benefit of the following
16 persons, for the periods prescribed in section 635 of this title, a weekly
17 compensation equal to the following percentages of the deceased employee’s
18 average weekly wages. The weekly compensation payment herein allowed
19 shall not exceed the maximum weekly compensation or be lower than the
20 minimum weekly compensation:

21 * * *

1 Sec. 2. 21 V.S.A. § 639 is amended to read:

2 § 639. DEATH, PAYMENT TO DEPENDENTS

3 In cases of the death of a person from any cause other than the accident
4 during the period of payments for disability or for the permanent injury, the
5 remaining payments for disability then due or for the permanent injury shall be
6 made to the person's dependents according to the provisions of sections 635
7 and 636 of this title, or if there are none, the remaining amount due, but ~~not~~ no
8 more than the actual burial and funeral expenses not to exceeding \$5,500.00
9 exceed \$10,000.00 for burial and funeral expenses and the actual expenses for
10 out-of-state transportation of the decedent to the place of burial not to exceed
11 ~~\$1,000.00~~ \$5,000.00, shall be paid in a lump sum to the proper person.

12 Sec. 3. 21 V.S.A. § 640c is added to read:

13 § 640c. OPIOID USAGE DETERRENCE

14 (a) In support of the State's fundamental interest in ensuring the safety of
15 employees and employers, it is the intent of the General Assembly to protect
16 employees from the dangers of prescription abuse while maintaining a balance
17 between the employee's health and the employee's expedient return to work.

18 (b) As it pertains to workers' compensation, the Commissioner, in
19 consultation with the Department of Health, the State Pharmacologist, and the
20 Vermont Medical Society, shall adopt rules, consistent with the best practices
21 in neighboring jurisdictions, governing the prescription of opioids, including

1 appropriate diagnoses that require opioid treatment, opioid dosage amounts,
2 patient screening, and drug screening for patients prescribed opioids for
3 chronic pain. In adopting rules, the Commissioner shall consider guidelines
4 and standards published by the American College of Occupational and
5 Environmental Medicine and other medical authorities with expertise in the
6 treatment of chronic pain.

7 Sec. 4. 21 V.S.A. § 641 is amended to read:

8 § 641. VOCATIONAL REHABILITATION

9 * * *

10 (e)(1) In support of the State's fundamental interest in ensuring the safety
11 of employees and employers, it is the intent of the General Assembly that,
12 following a workplace accident, an employee returns to work as soon as
13 possible but remains cognizant of the limitations imposed by the employee's
14 medical condition.

15 (2) The Commissioner shall adopt rules promoting development and
16 implementation of early return-to-work programs.

17 Sec. 5. 21 V.S.A. § 643a is amended to read:

18 § 643a. DISCONTINUANCE OF BENEFITS

19 Unless an injured worker has successfully returned to work, an employer
20 shall notify both the Commissioner and the employee prior to terminating
21 benefits under either section 642 or 646 of this title. The notice of intention to

1 discontinue payments shall be filed on forms prescribed by the Commissioner
2 and shall include the date of the proposed discontinuance, the reasons for it,
3 and, if the employee has been out of work for 90 days, a verification that the
4 employer offered vocational rehabilitation screening and services as required
5 under this chapter. All relevant evidence, including evidence that does not
6 support discontinuance in the possession of the employer ~~not already filed,~~
7 ~~shall be filed with the notice~~ shall be provided to the injured worker. With the
8 notice of discontinuance, the employer shall file only evidence relevant to the
9 discontinuance, including evidence that does not support the discontinuance,
10 with the Commissioner. The liability for the payments shall continue for seven
11 days after the notice is received by the Commissioner and the employee. If the
12 claimant disputes the discontinuance, the claimant may file with the
13 Commissioner an objection to the discontinuance and seek an extension of the
14 seven-day limit. The Commissioner may grant an extension up to seven days.
15 The request for an extension shall be specific as to the reason for the extension
16 and must be received by the Commissioner prior to the end of the seven-day
17 limit. A copy of the request for an extension shall be provided to the employer
18 at the time the request is made to the Commissioner. Those payments shall be
19 made without prejudice to the employer and may be deducted from any
20 amounts due pursuant to section 648 of this title if the Commissioner
21 determines that the discontinuance is warranted or if otherwise ordered by the

1 Commissioner. Every notice shall be reviewed by the Commissioner to
2 determine the sufficiency of the basis for the proposed discontinuance. If, after
3 review of all the evidence in the file, the Commissioner finds that a
4 preponderance of all the evidence in the file does not reasonably support the
5 proposed discontinuance, the Commissioner shall order that payments continue
6 until a hearing is held and a decision is rendered. Prior to a formal hearing, an
7 injured worker may request reinstatement of benefits by providing additional
8 new evidence to the Department that establishes that a preponderance of all
9 evidence now supports the claim. If the Commissioner's decision, after a
10 hearing, is that the employee was not entitled to any or all benefits paid
11 between the discontinuance and the final decision, upon request of the
12 employer, the Commissioner may order that the employee repay all benefits to
13 which the employee was not entitled. The employer may enforce a repayment
14 order in any court of law having jurisdiction.

15 Sec. 6. 21 V.S.A. § 691a is added to read:

16 § 691a. POSTING OF SAFETY RECORDS

17 (a) In support of the State's fundamental interest in ensuring the safety of
18 employees and employers, it is the intent of the General Assembly to improve
19 the safety experience in the workplace.

20 (b) An employer subject to the provisions of this chapter shall post and
21 maintain a record of workplace safety, including workplace injury and illness

1 data, in accordance with rules adopted by the Commissioner. The posting shall
2 be in a format approved and provided by the Commissioner that is readily
3 accessible to all employees.

4 Sec. 7. 21 V.S.A. § 696 is amended to read:

5 § 696. CANCELLATION OF INSURANCE CONTRACTS

6 A policy or contract shall not be cancelled within the time ~~limited~~ specified
7 in the policy or contract for its expiration, until at least 45 days after a notice of
8 intention to cancel the policy or contract, on a date specified in the notice, has
9 been filed in the office of the ~~commissioner~~ Commissioner and provided to the
10 employer. The notice shall be filed with the Commissioner in accordance with
11 rules adopted by the Commissioner and provided to the employer by certified
12 mail or certificate of mailing. The cancellation shall not affect the liability of
13 an insurance carrier on account of an injury occurring prior to cancellation.

14 Sec. 8. 21 V.S.A. § 697 is amended to read:

15 § 697. NOTICE OF INTENT NOT TO RENEW POLICY

16 An insurance carrier who does not intend to renew a workers' compensation
17 insurance policy of workers' compensation insurance or guarantee contract
18 covering the liability of an employer under the provisions of this chapter, ~~45~~
19 ~~days prior to the expiration of the policy or contract,~~ shall give notice of ~~the~~ its
20 intention to the ~~commissioner of labor~~ Commissioner and ~~to~~ the covered
21 employer at least 45 days prior to the expiration date stated in the policy or

1 contract. The notice shall be given to the employer by certified mail ~~or~~
2 ~~certificate of mailing~~. An insurance carrier who fails to give notice shall
3 continue the policy or contract in force beyond its expiration date for 45 days
4 from the day the notice is received by the ~~commissioner~~ Commissioner and the
5 employer. However, ~~this latter provision shall not apply if, prior to such~~
6 ~~expiration date, on or before the expiration of the existing insurance or~~
7 guarantee contract the insurance carrier has, by delivery of a renewal contract
8 or otherwise, offered to continue the insurance ~~beyond the date by delivery of a~~
9 ~~renewal contract or otherwise~~, or if the employer notifies the insurance carrier
10 in writing that the employer does not wish the insurance continued beyond the
11 expiration date, or if the employer complies with the provisions of section 687
12 of this title, ~~on or before the expiration of the existing insurance or guarantee~~
13 ~~contract~~ then the policy will expire upon notice to the Commissioner.

14 Sec. 9. 21 V.S.A. § 712 is added to read:

15 § 712. STATE POLICE ACADEMY STUDY

16 The Division of Workers' Compensation and Safety and the Office of Risk
17 Management, in consultation with the Vermont League of Cities and Towns
18 and any other interested parties, shall conduct a study, to be submitted to the
19 House Committee on Commerce and Economic Development on or before
20 January 15, 2015, to:

- 1 (1) analyze existing and frequently reoccurring injuries suffered by
2 police officers while attending the State Police Academy;
3 (2) analyze preventative measures to avoid injuries;
4 (3) recommend who should bear the financial burden of the workers’
5 compensation premiums; and
6 (4) recommend all preventative measures necessary to reduce workplace
7 injuries.

8 Sec. 10. EFFECTIVE DATE

9 This act shall take effect on July 1, 2014.

10
11
12
13
14
15
16
17

(Committee vote: _____)

Representative

FOR THE COMMITTEE