

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~~
8 exceeding \$5,500.00 for burial and funeral expenses no more than the actual
9 burial and funeral expenses not to exceed \$10,000.00 and the actual expenses
10 for out-of-state transportation of the decedent to the place of burial not to
11 exceed \$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 AND OPIATE USAGE DETERRENCE

14 (a) In support of the State's fundamental interest in ensuring the well-being
15 of 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, the
20 Vermont Board of Medical Practice, and the Vermont Medical Society, shall
21 adopt rules, consistent with the best practices, governing the prescription of

1 opioids and opiates, including appropriate diagnoses that require opioid and
2 opiate treatment, opioid and opiate dosage amounts, patient screening, and
3 drug screening for patients prescribed opioids and opiates for chronic pain. In
4 adopting rules, the Commissioner shall consider guidelines and standards
5 published by the American College of Occupational and Environmental
6 Medicine and other medical authorities with expertise in the treatment of
7 chronic pain. The rules shall be aligned with the standards and guidelines
8 provided under 18 V.S.A. § 4289.

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

10 § 641. VOCATIONAL REHABILITATION

11 * * *

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

17 (2) The Commissioner shall adopt rules promoting development and
18 implementation of cost-effective, early return-to-work programs.

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

2 § 643a. DISCONTINUANCE OF BENEFITS

3 Unless an injured worker has successfully returned to work, an employer
4 shall notify both the Commissioner and the employee prior to terminating
5 benefits under either section 642 or 646 of this title. The notice of intention to
6 discontinue payments shall be filed on forms prescribed by the Commissioner
7 and shall include the date of the proposed discontinuance, the reasons for it,
8 and, if the employee has been out of work for 90 days, a verification that the
9 employer offered vocational rehabilitation screening and services as required
10 under this chapter. All relevant evidence, including evidence that does not
11 support discontinuance in the possession of the employer ~~not already filed,~~
12 ~~shall be filed with the notice~~ shall be provided to the injured worker. With the
13 notice of discontinuance, the employer shall file only evidence relevant to the
14 discontinuance, including evidence that does not support the discontinuance,
15 with the Commissioner. The liability for the payments shall continue for seven
16 days after the notice is received by the Commissioner and the employee. If the
17 claimant disputes the discontinuance, the claimant may file with the
18 Commissioner an objection to the discontinuance and seek an extension of the
19 seven-day limit. The Commissioner may grant an extension up to seven days.
20 The request for an extension shall be specific as to the reason for the extension
21 and must be received by the Commissioner prior to the end of the seven-day

1 limit. A copy of the request for an extension shall be provided to the employer
2 at the time the request is made to the Commissioner. Those payments shall be
3 made without prejudice to the employer and may be deducted from any
4 amounts due pursuant to section 648 of this title if the Commissioner
5 determines that the discontinuance is warranted or if otherwise ordered by the
6 Commissioner. Every notice shall be reviewed by the Commissioner to
7 determine the sufficiency of the basis for the proposed discontinuance. If, after
8 review of all the evidence in the file, the Commissioner finds that a
9 preponderance of all the evidence in the file does not reasonably support the
10 proposed discontinuance, the Commissioner shall order that payments continue
11 until a hearing is held and a decision is rendered. Prior to a formal hearing, an
12 injured worker may request reinstatement of benefits by providing additional
13 new evidence to the Department that establishes that a preponderance of all
14 evidence now supports the claim. If the Commissioner's decision, after a
15 hearing, is that the employee was not entitled to any or all benefits paid
16 between the discontinuance and the final decision, upon request of the
17 employer, the Commissioner may order that the employee repay all benefits to
18 which the employee was not entitled. The employer may enforce a repayment
19 order in any court of law having jurisdiction.

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

2 § 691a. POSTING OF SAFETY RECORDS

3 (a) In support of the State’s fundamental interest in ensuring the well-being
4 of employees and employers, it is the intent of the General Assembly to
5 improve the safety experience in the workplace.

6 (b) An employer subject to the provisions of this chapter shall post a notice
7 in the employer’s place of business to advise employees of where they may
8 review the employer’s record of workplace safety, including workplace injury
9 and illness data, in accordance with rules adopted by the Commissioner. The
10 employer’s record of workplace safety, including workplace injury and illness
11 data, shall be available for review by employees at the employer’s place of
12 business and the Commissioner, but shall not otherwise be public information.
13 The posting shall be in a format approved by the Commissioner. The posting
14 may be in a format provided by the Commissioner.

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

16 § 696. CANCELLATION OF INSURANCE CONTRACTS

17 A policy or contract shall not be cancelled within the time ~~limited~~ specified
18 in the policy or contract for its expiration, until at least 45 days after a notice of
19 intention to cancel the policy or contract, on a date specified in the notice, has
20 been filed in the office of the ~~commissioner~~ Commissioner and provided to the
21 employer. The notice shall be filed with the Commissioner in accordance with

1 rules adopted by the Commissioner and provided to the employer by certified
2 mail or certificate of mailing. The cancellation shall not affect the liability of
3 an insurance carrier on account of an injury occurring prior to cancellation.

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

5 § 697. NOTICE OF INTENT NOT TO RENEW POLICY

6 An insurance carrier who does not intend to renew a workers' compensation
7 insurance policy of workers' compensation insurance or guarantee contract
8 covering the liability of an employer under the provisions of this chapter, ~~45~~
9 ~~days prior to the expiration of the policy or contract,~~ shall give notice of ~~the~~ its
10 intention to the ~~commissioner of labor~~ Commissioner and ~~to~~ the covered
11 employer at least 45 days prior to the expiration date stated in the policy or
12 contract. The notice shall be given to the employer by certified mail ~~or~~
13 ~~certificate of mailing.~~ An insurance carrier who fails to give notice shall
14 continue the policy or contract in force beyond its expiration date for 45 days
15 from the day the notice is received by the ~~commissioner~~ Commissioner and the
16 employer. However, ~~this latter provision shall not apply if, prior to such~~
17 ~~expiration date,~~ on or before the expiration of the existing insurance or
18 guarantee contract the insurance carrier has, by delivery of a renewal contract
19 or otherwise, offered to continue the insurance ~~beyond the date by delivery of a~~
20 ~~renewal contract or otherwise,~~ or if the employer notifies the insurance carrier
21 in writing that the employer does not wish the insurance continued beyond the

1 expiration date, or if the employer complies with the provisions of section 687
2 of this title, ~~on or before the expiration of the existing insurance or guarantee~~
3 ~~contract~~ then the policy will expire upon notice to the Commissioner.

4 Sec. 9. STATE POLICE ACADEMY STUDY

5 The Department of Labor and the Office of Risk Management, in
6 consultation with the Vermont League of Cities and Towns and any other
7 interested parties, shall conduct a study, to be submitted to the House
8 Committee on Commerce and Economic Development and the Senate
9 Committee on Finance on or before January 15, 2015, to:

10 (1) analyze existing and frequently reoccurring injuries suffered by
11 police officers while attending the State Police Academy;

12 (2) analyze preventative measures to avoid injuries;

13 (3) recommend who should bear the financial burden of the workers'
14 compensation premiums; and

15 (4) recommend preventative measures necessary to reduce injuries.

16 Sec. 10. WORKPLACE SAFETY RANKING STUDY

17 The Department of Labor, the National Council on Compensation
18 Insurance, and the Department of Financial Regulation shall study whether
19 information may be made available to employers to allow an employer to
20 compare its workplace safety and workers' compensation experience with that

1 of employers in similar industries or North American Industry Classification

2 System codes.

3 **Sec. 11. EFFECTIVE DATES**

4 (a) This section and Secs. 3, 4, 9, and 10 shall take effect on passage.

5 (b) Secs. 1, 2, and 5–8 shall take effect on July 1, 2014.

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8 (Committee vote: _____)

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Representative

FOR THE COMMITTEE