H.217
Introduced by Representatives Marcotte of Coventry, Carroll of Bennington,
Graning of Jericho, Jerome of Brandon, Mulvaney-Stanak of
Burlington, Nicoll of Ludlow, Priestley of Bradford, White of
Bethel, and Williams of Barre City
Referred to Committee on
Date:
Subject: Labor; workers' compensation; Workers' Compensation
Administration Fund; rate of contribution; discontinuance of benefits
Statement of purpose of bill as introduced: This bill proposes to set the annual
rate of contribution for the Workers' Compensation Administration Fund, to
establish a default rate of contribution in the event that the General Assembly
does not set rate of contribution for a fiscal year, and to make permanent a
provision permitting a worker to appeal of a proposed discontinuance of
workers' compensation benefits and to obtain a 14-day extension to the time

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16 for filing an appeal.

17	An act relating to miscellaneous workers' compensation amendments
18	It is hereby enacted by the General Assembly of the State of Vermont:
19	Sec. 1. WORKERS' COMPENSATION RATE OF CONTRIBUTION

1	For fiscal year 2024, after consideration of the formula in 21 V.S.A.
2	§ 711(b) and historical rate trends, the General Assembly determines that the
3	rate of contribution for the direct calendar year premium for workers'
4	compensation insurance shall be 1.5 percent. The contribution rate for self-
5	insured workers' compensation losses and workers' compensation losses of
6	corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.
7	Sec. 2. 21 V.S.A. § 711 is amended to read:
8	§ 711. WORKERS' COMPENSATION ADMINISTRATION FUND
9	* * *
10	(b)(1) Annually, the General Assembly shall establish the rate of
11	contribution for the direct calendar year premium for workers' compensation
12	insurance. The rate shall equal the amount approved in the appropriations
13	process for the program and the Department's projection of salary and benefit
14	increases for that fiscal year, less the amount collected in the prior calendar
15	year under subsection (a) of this section from self-insured workers'
16	compensation losses and from corporations approved under this chapter,
17	adjusted by any balance in the fund from the prior fiscal year, divided by the
18	total direct calendar year premium for workers' compensation insurance for
19	the prior year.
20	(2) In the event that the General Assembly does not establish the rate of
21	contribution for the direct calendar year premium for workers' compensation

1	insurance for a given fiscal year, the rate shall remain unchanged from the
2	prior fiscal year.
3	Sec. 3. 2014 Acts and Resolves No. 199, Sec. 54b is amended to read:
4	Sec. 54b. 21 V.S.A. § 643a is added to read:
5	§ 643a. DISCONTINUANCE OF BENEFITS
6	Unless an injured worker has successfully returned to work, an employer
7	shall notify both the Commissioner and the employee prior to terminating
8	benefits under either section 642 or 646 of this title. The notice of intention to
9	discontinue payments shall be filed on forms prescribed by the Commissioner
10	and shall include the date of the proposed discontinuance, the reasons for it,
11	and, if the employee has been out of work for 90 days, a verification that the
12	employer offered vocational rehabilitation screening and services as required
13	under this chapter. All relevant evidence, including evidence that does not
14	support discontinuance in the possession of the employer not already filed,
15	shall be filed with the notice. The liability for the payments shall continue for
16	seven days after the notice is received by the Commissioner and the employee.
17	If the claimant disputes the discontinuance, the claimant may file with
18	the Commissioner an objection to the discontinuance and seek an extension
19	of 14 days. The objection to the discontinuance shall be specific as to the
20	reasons and include supporting evidence. A copy of the objection shall be
21	provided to the employer at the time the request is made to the Commissioner.

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