

1 H.217

2 Introduced by Representatives Marcotte of Coventry, Carroll of Bennington,  
3 Graning of Jericho, Jerome of Brandon, Mulvaney-Stanak of  
4 Burlington, Nicoll of Ludlow, Priestley of Bradford, White of  
5 Bethel, and Williams of Barre City

6 Referred to Committee on

7 Date:

8 Subject: Labor; workers' compensation; Workers' Compensation

9 Administration Fund; rate of contribution; discontinuance of benefits

10 Statement of purpose of bill as introduced: This bill proposes to set the annual  
11 rate of contribution for the Workers' Compensation Administration Fund, to  
12 establish a default rate of contribution in the event that the General Assembly  
13 does not set rate of contribution for a fiscal year, and to make permanent a  
14 provision permitting a worker to appeal of a proposed discontinuance of  
15 workers' compensation benefits and to obtain a 14-day extension to the time  
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 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.