



State or Federal Issues Contacts: Please refer to the list of State Relations Executives at the end of this report.

## LEGISLATIVE ACTIVITY—LEGISLATIVE SESSION UPDATES

*This report includes descriptions and/or excerpts of relevant bills that passed the first chamber, passed the second chamber, or were enacted during the specific periods. In addition, a recap of significant legislative and judicial activity impacting the workers compensation system is included in the first report published each month. This report is issued on a weekly basis throughout the legislative season and provides updates on the content of these bills if and when they progress through the legislative process. This report covers bills from states where NCCI provides ratemaking services (see state list under Contact Information) and the US Congress.*

### BILLS ENACTED

There were no relevant workers compensation-related bills enacted within the one-week period ending January 12, 2018.

### BILLS PASSING SECOND CHAMBER

There were no relevant workers compensation-related bills that passed the second chamber within the one-week period ending January 12, 2018.

### BILLS PASSING FIRST CHAMBER

The following workers compensation-related bill passed the first chamber within the one-week period ending January 12, 2018.

#### Florida

**HB 7009** amends various provisions of the Workers' Compensation Law, adds a new provision to the Workers' Compensation Law and amends a provision of the Insurance Code to:

- Permit direct payment of attorneys by or for claimants.
- Increase total combined temporary wage replacement benefits (Temporary Total Disability [TTD]/Temporary Partial Disability [TPD]) from 104 weeks to 260 weeks.
- Fill a benefit gap that happens when TTD/TPD ends, but the injured worker is not at overall maximum medical improvement and/or no overall permanent impairment rating has been assigned.
- Allow a Judge of Compensation Claims (JCC) to award an hourly fee that departs from the statutory percentage-based attorney fee schedule:
  - This is only permitted if the statutory fee is less than 40% or greater than 125% of the hourly rate customarily charged in the local community by defense attorneys, with the JCC determining the relevant facts
  - If the departure fee is allowed, the JCC determines the hourly rate, not to exceed \$150 per hour, using statutory factors and the number of necessary attorney hours
- Provide that the injured worker is responsible for any remaining attorney fees if required by their retainer agreement; the retainer agreements must be filed with the JCCs, but are not subject to JCC approval.
- Allow insurers to uniformly reduce premiums by no more than 5% if they file an informational-only notice within 30 days, subject to regulatory oversight.
- Grant the Three-Member Panel authority to fill gaps in statutory reimbursement when adopting schedules of maximum reimbursement allowances for medical care.
- Require a good faith effort by the claimant and their attorney to resolve disputes prior to filing a petition for benefits.; mandates a specified notice regarding attorney fees be signed by the claimant.; increases the requirements applicable to petitions for benefits.; eliminates carrier paid attorney fees for services occurring before the filing a petition.; attaches attorney fees 45 days, rather than 30 days, following the filing of a petition.; requires a JCC to dismiss a petition for lack of specificity, without prejudice, within 10 days or 20 days, depending upon whether a hearing is required.

- Eliminate the charge-based reimbursement of health care facility outpatient medical care in favor of reimbursing them at 200% (unscheduled care) and 160% (scheduled surgery) of Medicare. If no Medicare fee exists, then current reimbursement standards apply, which are incorporated into statute.
- Require the authorization or denial of medical care authorization requests, unless there is a material deficiency.
- Provide for collecting additional information on attorney fees.

### Contact Information

If you have any questions about the legislation or proposals mentioned, please contact the appropriate NCCI state relations executive (listed below) or a representative of your local insurance trade association.

State	State Relations Executive	Phone Number
IN, NC, SC, TN	Amy Quinn	803-356-0851
MO, NE, NV, OK, SD	Carla Townsend	314-843-4001
HI	Carolyn Pearl	808-524-6239
AZ, IA, KS, KY	Clarissa Preston	561-945-4517
DC, MD, VA, WV	David Benedict	804-380-3005
FL	Dawn Ingham	561-893-3165
CT, ME, NH, RI	Justin Moulton	860-969-7903
VT	Laura Backus Hall	802-454-1800
AL, GA, LA, MS	Laura Hart Bryan	225-618-8168
AK, CO, NM, UT	Maggie Karpuk	818-707-8374
AR, IL, TX	Terri Robinson	501-333-2835
Federal Issues	Tim Tucker	202-403-8526
ID, MT, OR	Todd Johnson	503-892-8919

This report is informational and is not intended to provide an interpretation of state and federal legislation.