



2021 Regulatory and Legislative Trends Report





TABLE OF CONTENTS

Executive Summary.....	4
Overview of 2021 Legislative and Regulatory Activity	4
Legislative Trends and Hot Topics	4
COVID-19 Presumptions	4
Presumptions Beyond COVID-19	5
Mental Injuries.....	5
Legalization of Marijuana	6
Single-Payer Health Insurance	6
Independent Contractors/Gig Economy	7
2021 Legislative Sessions	8
2021 Workers Compensation Legislative Activity	9
Hot Topic—COVID-19	10
COVID-19 Presumptions and Compensability—2021 State Activity.....	16
Hot Topic—Presumptions Beyond COVID-19	17
Presumptions Beyond COVID-19—2021 State Activity	19
Hot Topic—Mental Injuries.....	20
Hot Topic—Legalization of Marijuana	23
Marijuana Legalization.....	27
States Addressing Reimbursement for Medical Marijuana in Workers Compensation.....	28
Hot Topic—Single-Payer Health Insurance	29
Hot Topic—Independent Contractors/Gig Economy.....	32
Legislative, Judicial, and Other Activity By Zone.....	34



Western Zone.....	35
New Administrators.....	36
Highlights From the Western Zone.....	36
Recently Enacted Workers Compensation-Related Legislation in the Western Zone	37
Workers Compensation Judicial Decisions of Interest	43
Latest Approved Loss Cost/Rate Changes	45
Percentage of Total Benefit Costs	46
Cumulative Premium Level Change Since 2011	47
Midwestern Zone.....	48
New Administrators.....	49
Highlights From the Midwestern Zone	49
Recently Enacted Workers Compensation-Related Legislation in the Midwestern Zone	50
Workers Compensation Judicial Decisions of Interest	53
Latest Approved Loss Cost/Rate Changes	54
Percentage of Total Benefit Costs	55
Cumulative Premium Level Change Since 2011	56
Southeastern Zone.....	57
New Administrators.....	58
Highlights From the Southeastern Zone.....	58
Recently Enacted Workers Compensation-Related Legislation in the Southeastern Zone	59
Workers Compensation Judicial Decisions of Interest	64
Latest Approved Loss Cost/Rate Changes	65
Percentage of Total Benefit Costs	66



Cumulative Premium Level Change Since 2011	67
Northeastern Zone.....	68
New Administrators	69
Highlights From the Northeastern Zone	69
Recently Enacted Workers Compensation-Related Legislation in the Northeastern Zone	70
Workers Compensation Judicial Decisions of Interest	73
Latest Approved Loss Cost/Rate Changes	75
Percentage of Total Benefit Costs	76
Cumulative Premium Level Change Since 2011	77
Legislative Activity Online Resource	78
Legislative Activity Online Resource—State Page Example	79
NCCI’S COVID-19 Resource Center	80
INSIGHTS on ncci.com	81
Endnotes	82
Appendix	83



EXECUTIVE SUMMARY

Overview of 2021 Legislative and Regulatory Activity

As of July 31, 2021, NCCI tracked 939 state and federal workers compensation-related bills, including 577 bills in states where NCCI provides ratemaking services. To date, 150 bills have been enacted.

In addition, NCCI monitored 232 proposed workers compensation-related regulations in 2021. As of July 31, 91 of those proposed regulations have been adopted. As in prior years, medical cost containment was the top theme of the regulations adopted, including medical fee schedules, reimbursement, and treatment guidelines.

Legislative Trends and Hot Topics



The hot topic for 2021 continued to be COVID-19. NCCI tracked over 150 bills related to COVID-19 and insurance. That number includes both workers compensation-specific bills and bills that were not specific to workers compensation. While COVID-19 legislation was top of mind, there was also legislative activity this year on other hot topics, including mental injuries, the legalization of marijuana, single-payer health insurance, and independent contractors/gig economy.

COVID-19 Presumptions



NCCI monitored COVID-19 workers compensation presumption and compensability-related legislation in approximately 30 states plus the District of Columbia, as well as at the federal level. Many of these bills propose to establish presumptions that the contraction of or exposure to COVID-19 arises out of and in the course and scope of employment and is a compensable injury or disease.

In 2020, 9 states enacted COVID-19 presumption legislation (Alaska, California, Illinois, Minnesota, New Jersey, Utah, Vermont, Wisconsin, and Wyoming). Many of the COVID-19 workers compensation presumptions were temporary in nature, meaning the presumption is applicable for a certain period of time or expires when the jurisdiction's state of emergency ends.



This year, several states that enacted COVID-19 presumption legislation in 2020 took additional action to extend and/or expand those presumptions. Five states (Alaska, Illinois, Minnesota, Vermont, and Wyoming) have enacted legislation to date.

Other states considered establishing new workers compensation presumptions for COVID-19 for certain workers. To date, 2 states (Texas and Virginia) have enacted new COVID-19 presumptions.

Presumptions Beyond COVID-19



In 2021, several states proposed legislation to create workers compensation presumptions that could be applicable beyond the current COVID-19 pandemic. At least a dozen states considered legislation that would establish workers compensation presumptions for infectious diseases and pandemics. While several of these bills specifically mention COVID-19, these proposals also contain terms such as “contagious disease,” “COVID-19 or similar disease,” or “other future qualifying pandemic.” Many of these proposals do not include sunset provisions or expiration dates. Two states—Tennessee and Washington—have enacted legislation to date.

NCCI continues to provide updates on COVID-19 regulatory and legislative activity on our Legislative Activity page and in our COVID-19 Resource Center on [ncci.com](https://www.ncci.com).

Mental Injuries



Workers compensation for workplace-related mental injuries was a hot topic again in 2021. NCCI monitored 68 bills addressing this topic. This includes more than 47 bills related to post-traumatic stress disorder (PTSD). This year, 9 states enacted legislation addressing workers compensation coverage for mental injuries: Connecticut, Idaho, Maine, Maryland, Nebraska, New Hampshire, Utah, West Virginia, and Wisconsin.

States have generally been unique as to how they define “mental injury.” For example, Kansas considered legislation addressing coverage for mental injuries arising from physical injury, emotional shock, or a series of work-related events. Kentucky proposed legislation which defined “injury” to include psychological injuries for certain employees. New York introduced A 2020 and S 6373, which relate to claims for mental injuries premised on extraordinary work-related stress for all workers.

Connecticut proposed numerous bills this year addressing coverage for workplace-related mental injuries. Connecticut ultimately enacted legislation (SB 660) to expand benefits for certain mental or emotional impairments, including PTSD, for healthcare workers who suffered injuries related to treating individuals with COVID-19.



Legalization of Marijuana



While marijuana remains illegal at the federal level, states continue to legalize marijuana through legislation and ballot measures. In 2021, 4 states (Connecticut, New Mexico, New York, and Virginia) legalized marijuana for recreational purposes through legislation. There are now 19 states, plus the District of Columbia, that have legalized the recreational use of marijuana.

In addition, state legislatures and state courts are grappling with issues around medical marijuana, including whether reimbursement should be required or prohibited in workers compensation. Without a definitive test for marijuana intoxication, states are also debating how to address workers compensation benefits for an employee who is injured on the job and tests positive for marijuana. NCCI recently released [2021 Marijuana Legalization Update: Five Things You Need to Know](#), which highlights the latest developments.

Single-Payer Health Insurance



NCCI monitored bills in 17 states that either proposed to implement, or study the issue of, single-payer health insurance systems. In 9 of the states (California, Iowa, Maine, Maryland, Massachusetts, Minnesota, New York, Rhode Island, and Texas) the legislation specifically referenced workers compensation or injured worker's medical benefits.

In most states that referenced workers compensation, the legislation generally contained similar language directing the board of the new state single-payer healthcare program to develop a proposal for coverage of healthcare items and services currently covered under the workers compensation system, including whether and how to continue funding for those healthcare services under the workers compensation system, and whether and how to incorporate an element of experience rating.

Three states (Maine, Oregon, and Washington) passed legislation this year, although the workers compensation language was amended out of the Maine bill before it passed. The new Maine law does not go into effect unless federal law is enacted that authorizes a state to obtain a waiver to establish a state-based universal healthcare plan and to receive federal funding for that plan. The Oregon bill extends a previously created state task force on universal healthcare until 2023 and extends the deadline for the task force to submit recommendations to the legislature until September 30, 2022. Washington's law establishes a new commission on universal healthcare. The commission must submit a report with recommendations to the state legislature and the governor by November 1, 2022.



Independent Contractors/Gig Economy



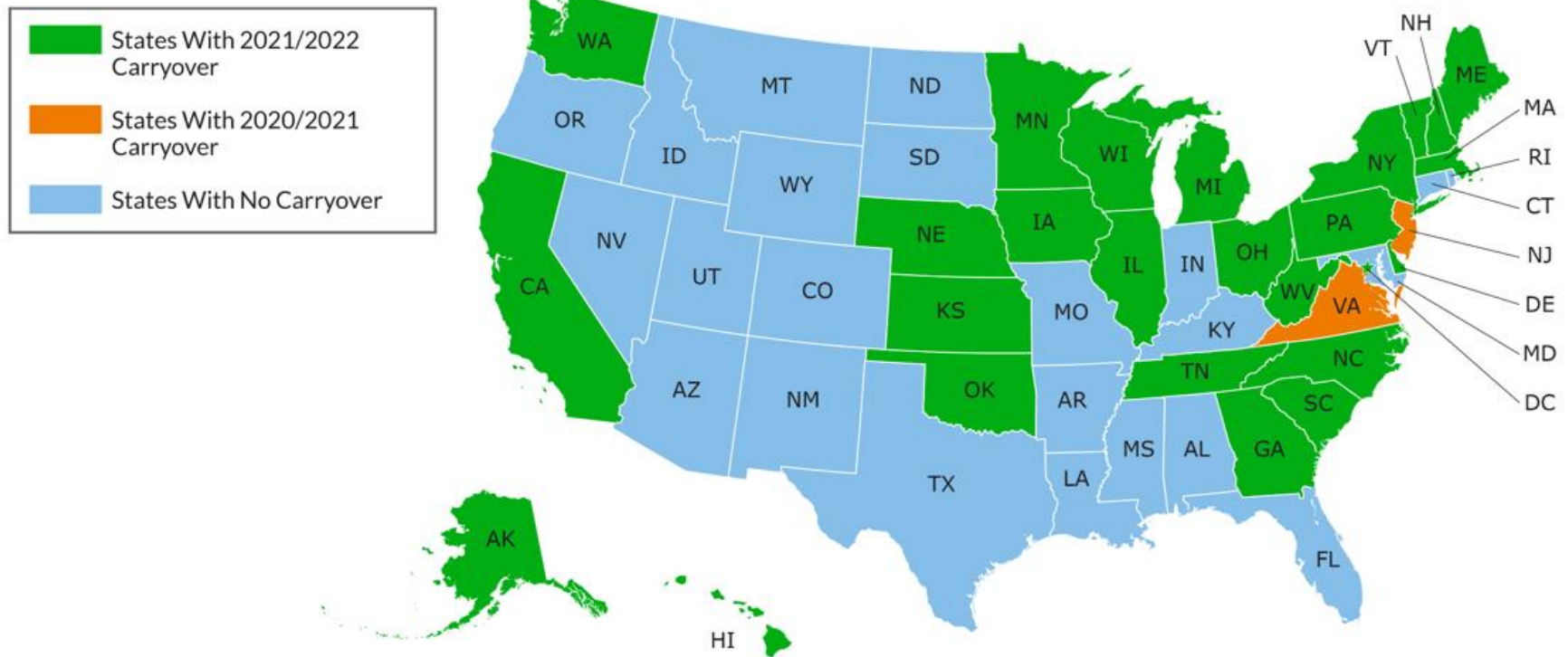
NCCI tracked independent contractor legislation in 15 states this year, some of which included elements that may be related to workers compensation. A few states, including Utah, Virginia, and West Virginia passed legislation.

Utah enacted legislation (SB 32) that creates the Remote Service Marketplace Platforms Act, defines “marketplace company” as a person who offers a digital application to the public and accepts requests for remote services exclusively through the person’s digital application, and establishes that remote-service contractors are not employees of a marketplace company if they meet certain conditions.

West Virginia enacted SB 272, which provides criteria for determining whether a worker is an employee or an independent contractor. Virginia’s legislation (HB 2134) states that if an employer provides an individual with personal protective equipment in response to a disaster caused by a communicable disease or public health threat for which a state of emergency has been declared, this action cannot be considered in determining whether the individual is an employee or an independent contractor.

In addition, legislation is pending in California that would repeal provisions related to the state’s “ABC” test for certain occupations and businesses. In 2019, California enacted legislation (AB 5) which codified a three-part test (known as the “ABC” test) to determine whether a worker is an employee or an independent contractor.

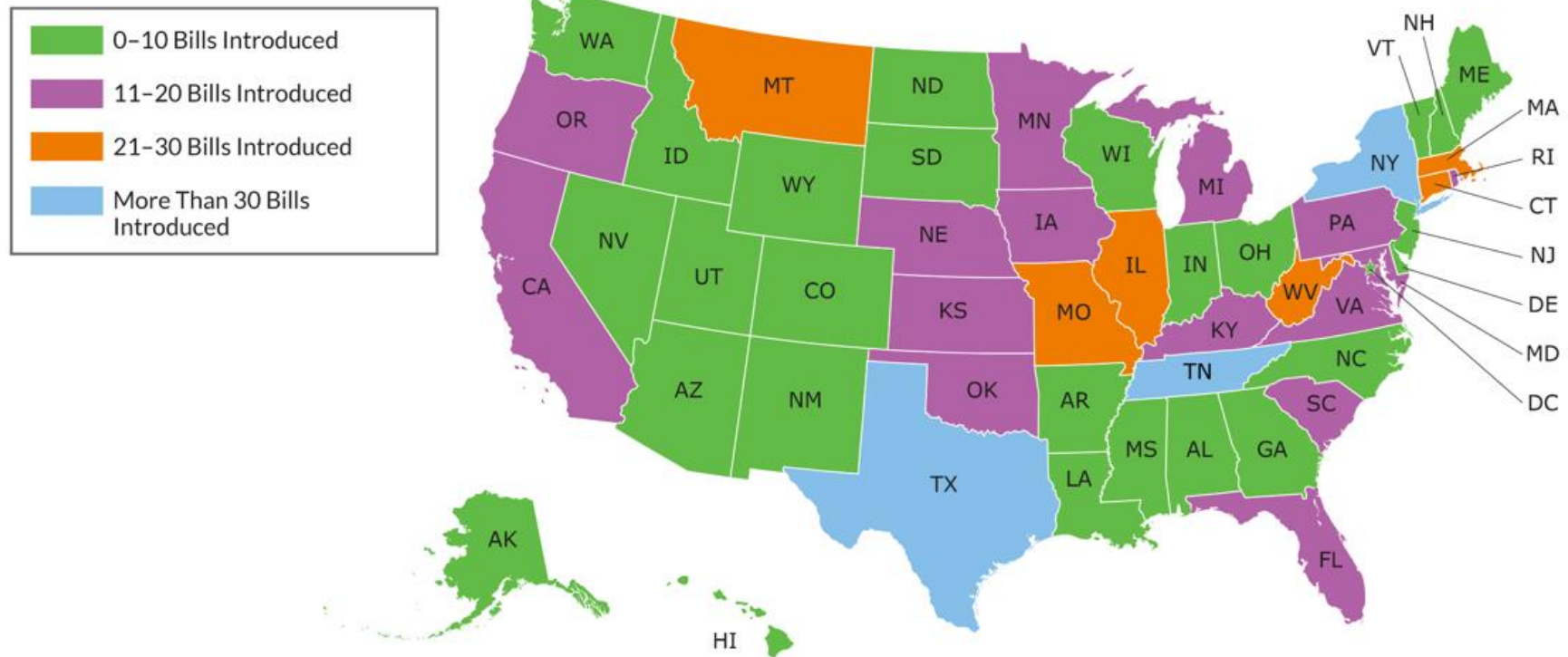
2021 LEGISLATIVE SESSIONS



As of 7/31/21



2021 WORKERS COMPENSATION LEGISLATIVE ACTIVITY

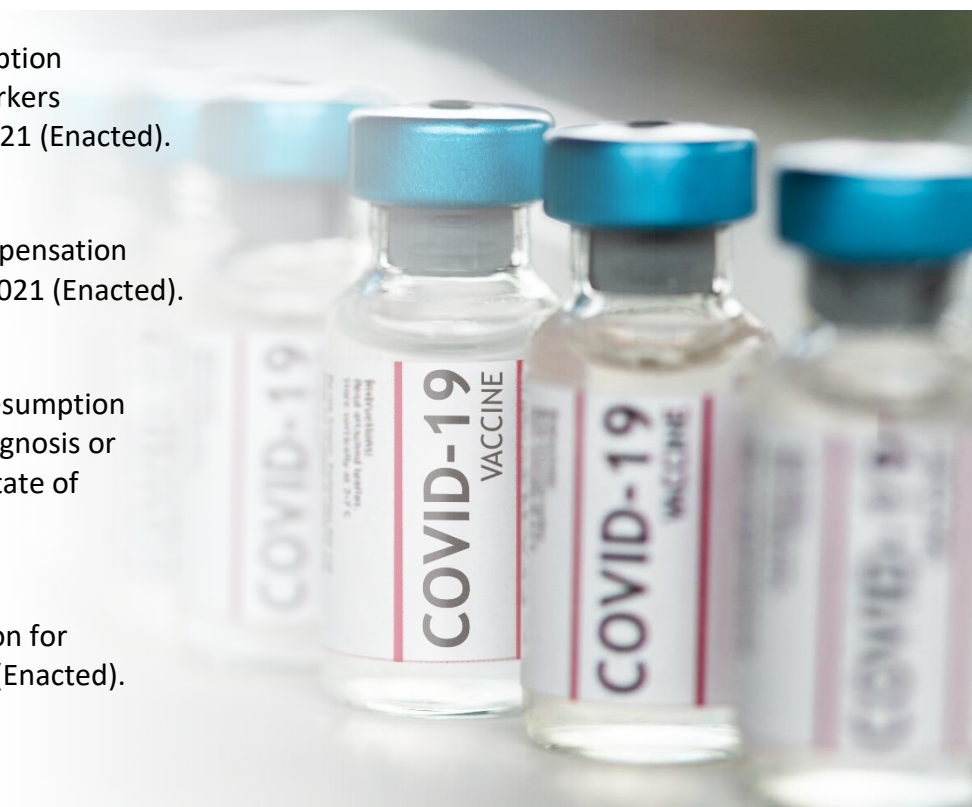


As of 7/31/21

Hot Topic—COVID-19

The following states proposed legislation to extend and/or expand workers compensation presumptions of compensability for COVID-19 for certain workers:

- Alaska
 - HB 76—Extends workers compensation presumption for COVID-19 for firefighters, emergency medical technicians, paramedics, peace officers, and healthcare providers through December 31, 2021 (Enacted).
- Illinois
 - HB 4276—Extends workers compensation presumption for COVID-19 for first responders and frontline workers diagnosed with COVID-19 on or before June 30, 2021 (Enacted).
- Minnesota
 - HF 2253—Extends presumption for a workers compensation claim based on COVID-19 through December 31, 2021 (Enacted).
- Vermont
 - S 9—Extends workers compensation COVID-19 presumption provisions for an employee receiving a positive diagnosis or test to “30 days following the termination of the state of emergency” (Enacted).
- Wyoming
 - SF 19—Extends workers compensation presumption for COVID-19 for employees through March 31, 2022 (Enacted).





The following states proposed legislation to establish new workers compensation presumptions for COVID-19 for certain workers:

- California
 - SB 213—Establishes workers compensation presumption for infectious diseases and respiratory diseases, including COVID-19, for certain hospital employees (Pending).
- Connecticut
 - HB 6595—Establishes workers compensation presumption for COVID-19 for all employees (Did not pass).
- Iowa
 - HF 121—Establishes workers compensation presumption for COVID-19 or a similar disease for employees (Did not pass).
- Maryland
 - HB 765—Establishes workers compensation presumption for COVID-19 for certain firefighters, rescue squad members, advanced life support unit members, police officers, sheriffs, deputy sheriffs, correctional officers, healthcare workers, and childcare workers (Did not pass).
 - SB 860—Establishes workers compensation presumption for COVID-19 for certain public school employees (Did not pass).
- Massachusetts
 - HB 1986—Establishes workers compensation presumption for COVID-19 for certain employees (Pending).
 - HB 1993—Establishes workers compensation presumption for COVID-19 for certain emergency response and medical personnel (Pending).
 - HB 2031—Establishes workers compensation presumption for COVID-19 for certain frontline workers (Pending).
 - HB 2414—Establishes workers compensation presumption for COVID-19 for certain public safety personnel and first responders (Pending).
 - HB 2650/SB 1663—Establishes workers compensation presumption for COVID-19 for certain public safety personnel (Pending).
 - HB 2770—Establishes workers compensation presumption for COVID-19 for law enforcement (Pending).



- Michigan
 - HB 4822—Establishes workers compensation presumption for COVID-19 for police, firefighters, and emergency medical personnel (Pending).
- Montana
 - HB 297—Establishes workers compensation presumption for COVID-19 for nurses (Did not pass).
 - HB 550—Establishes workers compensation presumption for COVID-19 for essential employees (Did not pass).
- Nebraska
 - LB 441—Establishes workers compensation presumption for COVID-19 for essential workers (Did not pass).
- New Mexico
 - HB 268—Establishes workers compensation presumption for COVID-19 for essential employees. Prohibits workers compensation insurers from using COVID-19 claims in developing rating plans (Did not pass).
 - SB 261—Establishes workers compensation presumption for COVID-19 and other future qualifying pandemics for firefighters (Did not pass).
- North Dakota
 - HB 1433—Establishes workers compensation presumption for COVID-19 for essential workers (Did not pass).
- Oklahoma
 - HB 2239—Establishes workers compensation presumption for COVID-19 for first responders (Did not pass).
- Oregon
 - HB 3025—Establishes workers compensation presumption for COVID-19 for essential workers (Did not pass).
 - SB 488—Establishes workers compensation presumption for COVID-19 for essential workers (Did not pass).



- Pennsylvania
 - HB 1078—Establishes workers compensation presumption for COVID-19 for certain frontline employees (Pending).
- Rhode Island
 - HB 5264—Establishes workers compensation presumption for COVID-19 for certain healthcare workers, public safety workers, and other essential employees including grocery and transportation workers. (Did not pass).
 - HB 5474—Establishes workers compensation presumption for COVID-19 for public safety officials and essential state workers (Did not pass).
- South Carolina
 - HB 3192—Establishes workers compensation presumption for COVID-19 for first responders, healthcare providers, and correctional officers (Did not pass).
- Texas
 - HB 396—Establishes workers compensation presumption for COVID-19 for nurses (Did not pass).
 - SB 22—Establishes workers compensation presumption for COVID-19 for certain public safety employees and survivors of certain public safety employees (Enacted).
- Virginia
 - HB 1985—Establishes workers compensation presumption for COVID-19 for healthcare providers (Enacted).
 - HB 2207/SB 1375—Establishes workers compensation presumption for COVID-19 for firefighters, emergency medical services personnel, law enforcement officers, correctional officers, and regional jail officers (Enacted).



The following states proposed legislation that otherwise addressed workers compensation and COVID-19:

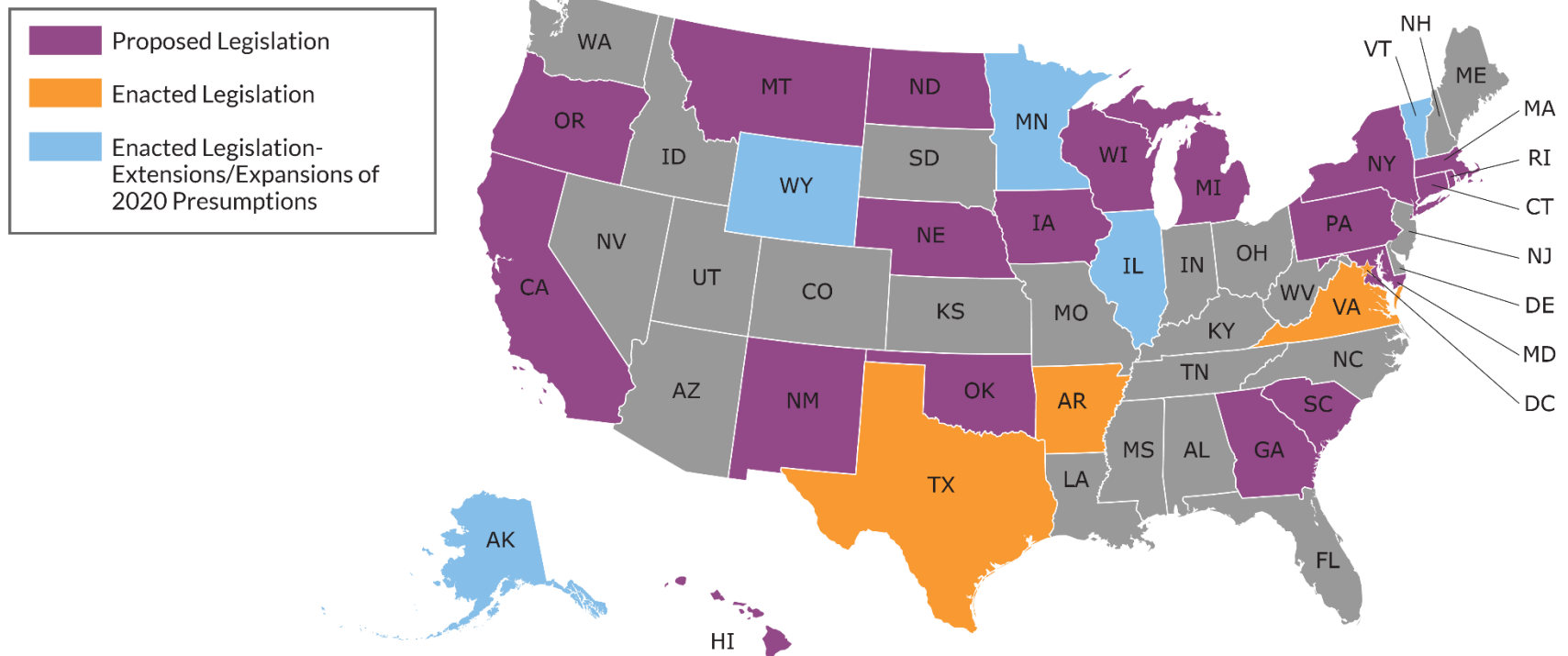
- **Arkansas**
 - HB 1488—Clarifies and provides sufficient recourse under the workers compensation law for employees to receive workers compensation benefits during the COVID-19 outbreak (Enacted).
- **District of Columbia**
 - B24-0058—Adds contraction of COVID-19 in the course and scope of employment to the definition of “injury” under the workers compensation law (Enacted).
 - B24-0059—Adds contraction of COVID-19 in the course and scope of employment to the definition of “injury” under the workers compensation law (Enacted).
- **Georgia**
 - HB 700—Includes COVID-19 within the definition of occupational disease for essential workers (Did not pass).
 - SB 291—Includes COVID-19 within the definition of occupational disease for essential workers (Did not pass).
- **Hawaii**
 - HB 1224/SB 1415—Creates an exception to the workers compensation exclusive remedy where COVID-19 is contracted by an employee whose employer failed to maintain adequate workplace protections against exposure to COVID-19. Establishes a presumption that COVID-19 has been proximately caused by an employer’s failure to maintain adequate workplace protections against exposure to COVID-19 (Did not pass).
- **Illinois**
 - HB 3654—Provides there is no compensation for death or disability arising out of an exposure to COVID-19 if the employee refused a vaccination (Did not pass).
- **New Jersey**
 - S 2476—Concerns certain workers compensation supplemental benefits for surviving dependents of essential employees who die in the course of employment (Enacted).



- New York
 - A 6117/S 1241—Includes exposure to COVID-19 as an occupational disease (Pending).
- North Dakota
 - HB 1433—Relates to workers compensation benefits for COVID-19 for essential workers (Did not pass).
- South Dakota
 - HB 1046—Clarifies that COVID-19 is not an occupational disease under state law (Enacted).
- West Virginia
 - SB 277—Provides that workers compensation is the sole and exclusive remedy for COVID-19 related injuries or conditions (Enacted).



COVID-19 PRESUMPTIONS AND COMPENSABILITY—2021 STATE ACTIVITY



As of 7/31/21



HOT TOPIC—PRESUMPTIONS BEYOND COVID-19

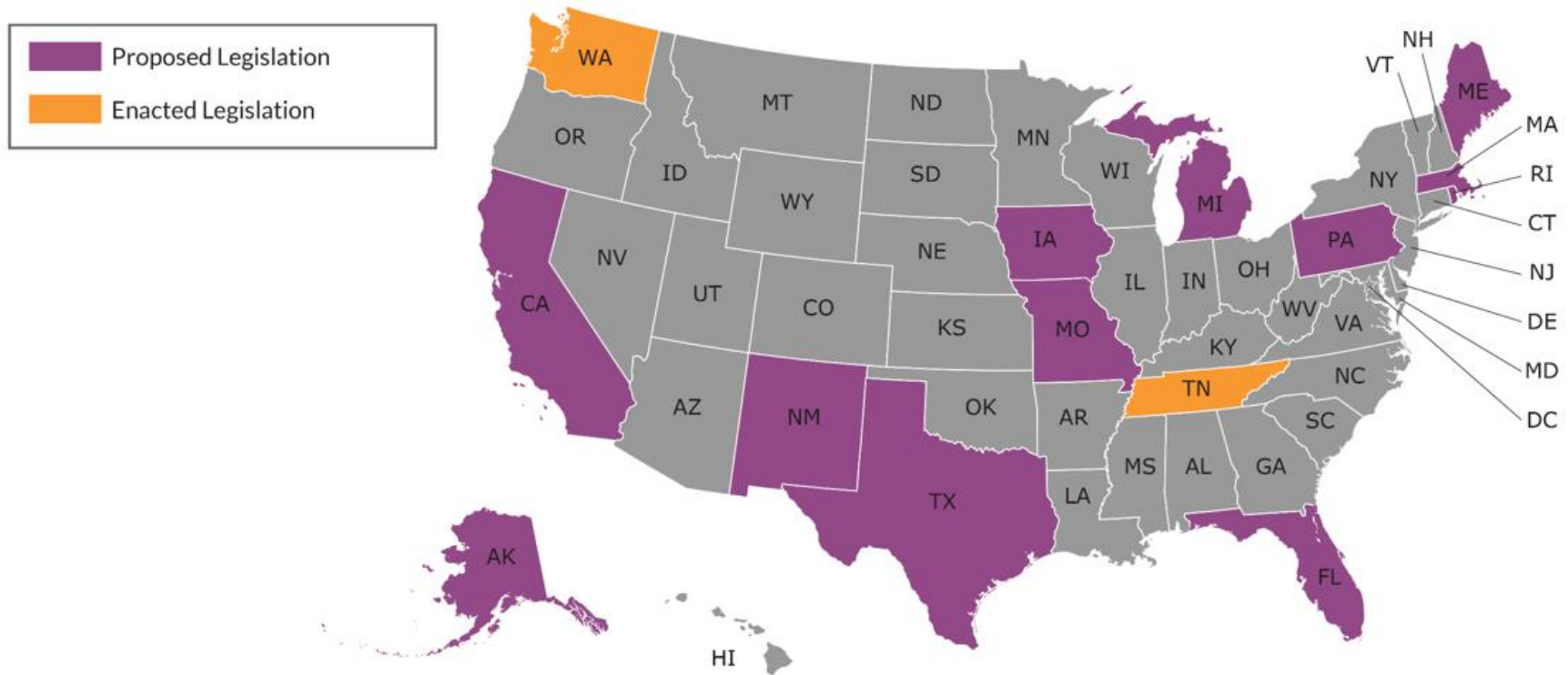
The following states proposed legislation to establish workers compensation presumptions of compensability that could be applicable beyond the current COVID-19 pandemic:

- Alaska
 - HB 45—Establishes workers compensation presumption for contagious diseases (Pending).
- California
 - SB 213—Establishes workers compensation presumption for infectious diseases and respiratory diseases, including COVID-19, for certain hospital employees (Pending).
- Florida
 - HB 949/SB 1314—Establishes workers compensation presumption for infectious diseases for certain workers (Did not pass).
- Iowa
 - HF 121—Establishes workers compensation presumption for COVID-19 or a similar disease for employees (Did not pass).
- Maine
 - LD 997—Establishes workers compensation presumption for infectious diseases for corrections officers (Did not pass).
- Massachusetts
 - HB 2650/SB 1663—Establishes workers compensation presumption for infectious diseases (including COVID-19 under certain circumstances) for certain public safety personnel (Pending).
- Michigan
 - HB 4748/SB 161—Establishes workers compensation presumption for infectious diseases for essential employees during a declared emergency (Pending).



- Missouri
 - HB 1246—Establishes workers compensation presumption for infectious diseases for certain employees (Did not pass).
 - SB 339—Establishes workers compensation presumption for infectious and other diseases for certain first responders (Did not pass).
- New Mexico
 - SB 261—Establishes workers compensation presumption for a virus or disease declared a pandemic, including COVID-19 and other future qualifying pandemics, for firefighters (Did not pass).
- Pennsylvania
 - HB 1078—Establishes workers compensation presumption for infectious diseases for certain frontline employees. Defines “infectious disease” to include COVID-19 or any other novel virus or infectious disease (Pending).
- Rhode Island
 - HB 5264—Establishes workers compensation presumption for COVID-19 or other viral infection classified by an executive order during a declared state of emergency for certain healthcare workers, public safety workers, and other essential employees including grocery and transportation workers (Did not pass).
- Tennessee
 - SB 995—Establishes presumption for emergency rescue workers for a virus or other communicable disease for which a pandemic has been declared by the World Health Organization or federal Centers for Disease Control and Prevention, and for which the governor has declared a state of emergency (Enacted).
- Texas
 - HB 637—Establishes a presumption for detention officers, firefighters, peace officers, and emergency medical technicians for diseases that are the basis for a disaster declaration (Did not pass).
- Washington
 - SB 5190—Provides healthcare workers with presumptive benefits during a public health emergency (Enacted).

PRESUMPTIONS BEYOND COVID-19—2021 STATE ACTIVITY

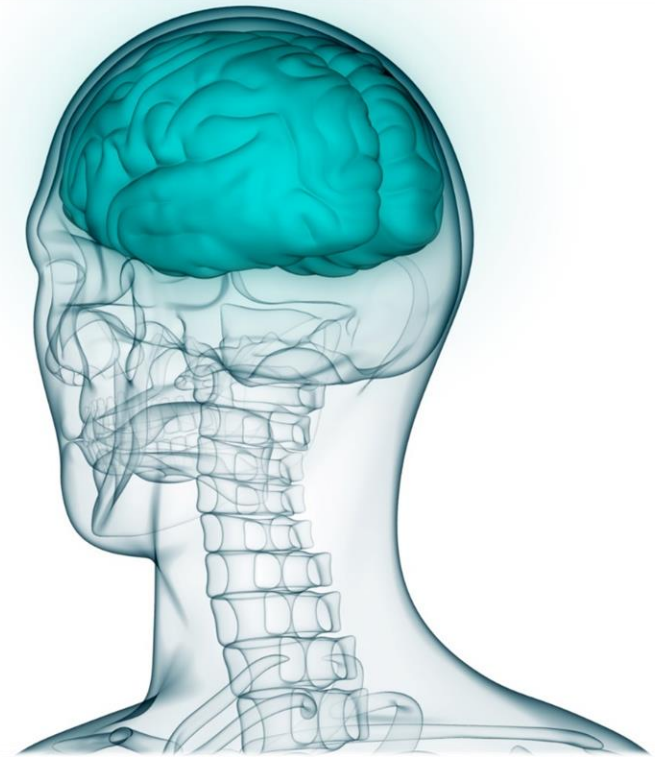


As of 7/31/21

HOT TOPIC—MENTAL INJURIES

The following states proposed legislation addressing workers compensation for workplace-related mental injuries:

- Connecticut
 - SB 660—Expands workers compensation benefits for certain mental or emotional impairments suffered by healthcare providers related to treating individuals with COVID-19 (Enacted).
- Idaho
 - S 1009—Includes the state fire marshal and the state fire marshal’s deputies in the definition of firefighters for certain workers compensation benefits for first responders (Enacted).
- Illinois
 - HB 3081—Provides that post-traumatic stress disorder is presumed to arise out of and be causally connected to the hazards of employment of a person employed as a firefighter, emergency medical technician, or paramedic (Did not pass).
- Kansas
 - HB 2307—Addresses coverage for mental injuries arising from physical injury, emotional shock, or a series of work-related events (Did not pass).
- Kentucky
 - HB 500—Defines “injury” to include psychological injuries for certain employees (Did not pass).





- **Maine**
 - LD 467—Allows emergency dispatchers and corrections officers diagnosed with post-traumatic stress disorder to receive workers compensation benefits (Enacted).
- **Maryland**
 - HB 989/SB 714—Requires a study of the state’s workers compensation laws and the effects of job-related audible or visual trauma experienced by 9-1-1 specialists (Enacted).
- **Nebraska**
 - LB 407—Includes certain county correctional employees within provisions concerning mental injuries and mental illnesses in the workers compensation act (Enacted).
- **New Hampshire**
 - SB 142—Reestablishes the commission to study the incidence of post-traumatic stress disorder in first responders (Enacted).
- **New York**
 - A 2020/S 6373—Relates to claims for mental injuries premised upon extraordinary work-related stress (Pending).
- **North Carolina**
 - HB 492—Relates to workers compensation benefits for psychological trauma for certain first responders under specified circumstances (Pending).
- **Pennsylvania**
 - HB 1732—Relates to workers compensation for post-traumatic stress injury for first responders (Pending).



- South Carolina
 - HB 3413—Exempts injuries sustained by law enforcement in the line of duty from certain limitations on claims for injury caused by stress, mental injury, or mental illness (Did not pass).
 - SB 94—Provides that a limitation on stress, mental injuries, and mental illness for workers compensation does not apply to a first responder diagnosed with post-traumatic stress disorder (Did not pass).
- Texas
 - HB 3623—Relates to workers compensation benefits for certain healthcare providers for post-traumatic stress disorder arising from events in the course of employment during a public health disaster (Did not pass).
- Utah
 - HB 25—Extends the Mental Health Protections for First Responders Workgroup until 2025 (Enacted).
- West Virginia
 - HB 3107—Provides that post-traumatic stress disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders (Enacted).
- Wisconsin
 - SB 11—Relates to workers compensation benefits for law enforcement officers and firefighters diagnosed with post-traumatic stress disorder (Enacted).

HOT TOPIC—LEGALIZATION OF MARIJUANA

The following states proposed legislation addressing the legalization of marijuana and marijuana-related topics:

- Alabama
 - SB 46—Legalizes the medical use of marijuana. Provides that an employee is not eligible for workers compensation benefits if the injury or death was due to the employee’s impairment from medical marijuana. Establishes a conclusive presumption that the employee was impaired if the employee tests positive or refuses to take the drug test. Provides that the new law does not require an employer, property and casualty insurer, or private health insurer to reimburse an individual for costs associated with the use of medical marijuana (Enacted).
- Connecticut
 - SB 1201—Legalizes the possession and use of marijuana for adults over 21 (Enacted).
- Florida
 - HB 291—Legalizes the possession and use of marijuana for adults over 21 (Did not pass).
 - HB 335/HB 1411/SB 1820—Prohibits employers from taking adverse personnel action against employees or job applicants who are qualified medical marijuana patients (Did not pass).
- Hawaii
 - HB 7—Legalizes the possession and use of marijuana for adults over 21 (Did not pass).
- Idaho
 - SJR 101—Proposes an amendment to the Idaho Constitution prohibiting the production, manufacture, transportation, sale, delivery, dispensing, distribution, possession, or use of certain psychoactive drugs (Did not pass).





■ Illinois

- SB 2041—Establishes standards for cannabis impairment sufficient to bar compensation for injuries to employees who are intoxicated. Provides that the presence of 5 nanograms of tetrahydrocannabinol in the blood or 10 nanograms of tetrahydrocannabinol in other bodily substances creates a rebuttable presumption that intoxication is the proximate cause of the injury (Did not pass).

■ Kansas

- HB 2040—Removes marijuana from the presumption of disqualifying drug impairment on the basis of certain drug concentration test levels in the workers compensation law (Did not pass).
- HB 2184/HB 2436/SB 92/SB 158/SB 287/SB 315—Legalizes the medical use of marijuana (Did not pass).

■ Kentucky

- HB 136—Provides that a workers compensation insurer or self-funded employer providing workers compensation benefits is not required to reimburse a person for costs associated with the medical use of marijuana (Did not pass).
- HB 529—Excludes low levels of tetrahydrocannabinol in an employee's blood from the presumption that the drug was the cause of the employee's accident, injury, disease, or death (Did not pass).

■ Maryland

- HB 683/SB 461—Provides that an employee is not entitled to workers compensation if medical cannabis was the sole cause of the injury and the medical cannabis was not administered or taken with the written certification of a certifying provider or the written instruction of a physician (Did not pass).

■ Minnesota

- HF 600/SF 757—Legalizes the possession and use of marijuana for adults over 21 (Did not pass).

■ Montana

- HB 655—Provides that failing to pass, or refusing to take, a drug test that complies with certain requirements after an accident creates a presumption that the major contributing cause of the accident was the use of nonprescribed drugs. This presumption does not apply to employees certified to use medical marijuana (Enacted).



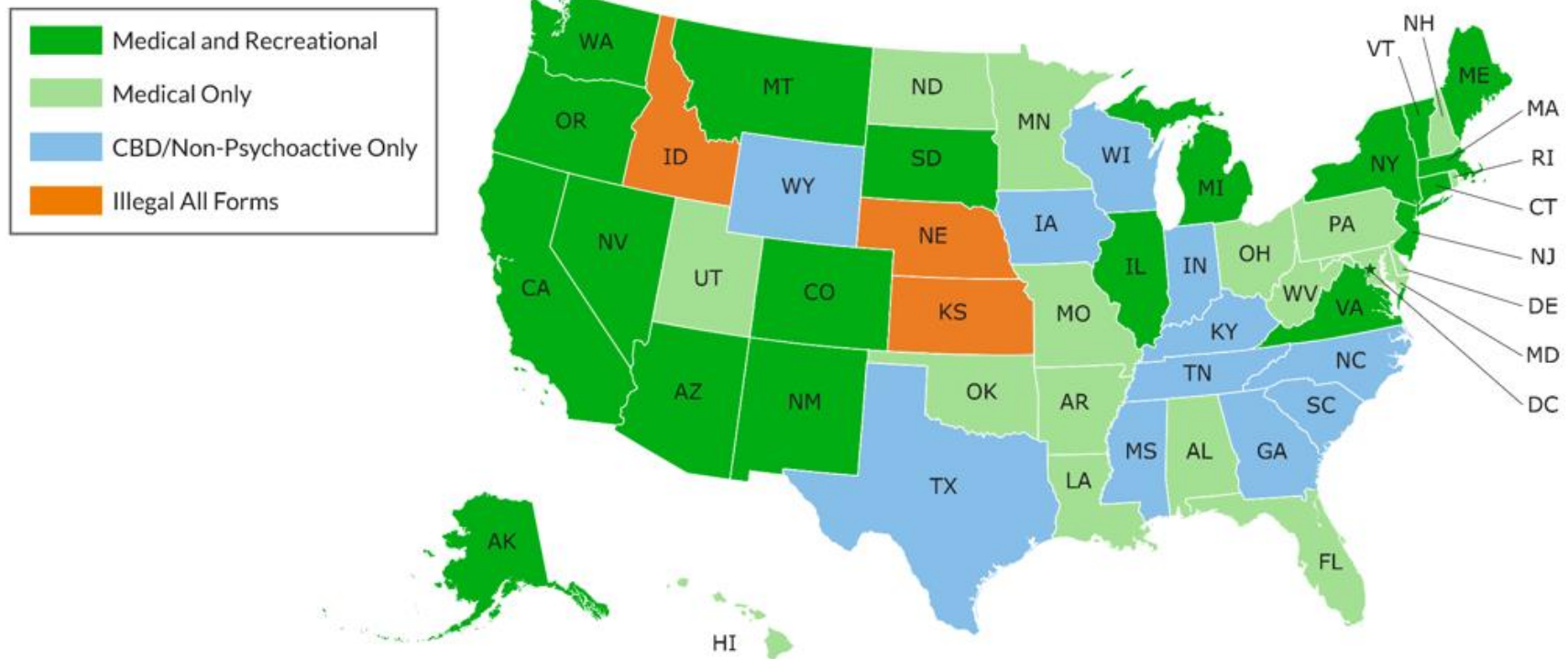
- Nebraska
 - LB 474—Legalizes the medical use of marijuana. Provides that nothing in the act requires any employer or workers compensation insurer to reimburse a person for costs associated with the medical use of marijuana (Did not pass).
- Nevada
 - AB 400—Establishes standards for determining when an employee is considered to be under the influence of a controlled or prohibited substance (including marijuana) for workers compensation purposes and provides an exception if the employee has a current and lawful prescription issued in the employee's name (Enacted).
- New Jersey
 - A 21—Legalizes the possession and use of marijuana for adults over 21 (Enacted).
 - S 3406—Requires reimbursement for medical marijuana under certain circumstances (Pending).
- New Mexico
 - HB 2—Legalizes the possession and use of marijuana for adults over 21 (Enacted).
- New York
 - A 242—Provides that medical marijuana is a prescription drug for workers compensation purposes and can be covered under workers compensation (Pending).
 - S 854—Legalizes the possession and use of marijuana for adults over 21. Provides that employees who use medical marijuana are afforded the same rights, procedures, and protections available to injured workers under the workers compensation law when such injured workers are prescribed medications that may prohibit, restrict, or require the modification of the performance of their duties (Enacted).



- North Dakota
 - HB 1084—Establishes rebuttable presumption that the employee’s injury is due to recreational marijuana use if the employee’s drug test is above a certain limit. If the employee refuses to submit to the drug test after the work accident, then the employee forfeits all entitlement to workplace safety and insurance benefits arising out of that injury (Enacted).
 - HB 1420—Legalizes the possession and use of marijuana for adults over 21 (Did not pass).
- Pennsylvania
 - HB 1180—Legalizes the possession and use of marijuana for adults over 21 (Pending).
 - SB 749—Provides that no workers compensation insurer, self-insured employer, or other insurer shall be required to provide coverage for or otherwise reimburse the cost of medical marijuana (Pending).
- Rhode Island
 - HB 5473—Establishes that an employee who tests positive for alcohol, or a controlled substance that was not legally prescribed, is presumed intoxicated at the time of injury and it is presumed that the intoxication caused the injury (Did not pass).
 - SB 568—Legalizes the possession and use of marijuana for adults over 21. Provides that nothing in the law requires a workers compensation insurer, workers compensation group self-insurer, or self-insured employer to reimburse a person for costs associated with the medical use of marijuana or require an employer to accommodate the medical use of marijuana in any workplace (Did not pass).
- Texas
 - HB 809—Authorizes cannabis for medical use by patients with post-traumatic stress disorder (Did not pass).
 - HB 1535—Relates to the medical use of low-tetrahydrocannabinol cannabis (Enacted).
- Virginia
 - HB 2312/SB 1406—Legalizes the possession and use of marijuana for adults over 21 (Enacted).
- Wisconsin
 - AB 68/SB 111—Legalizes the possession and use of marijuana for adults over 21 (Marijuana provisions did not pass).



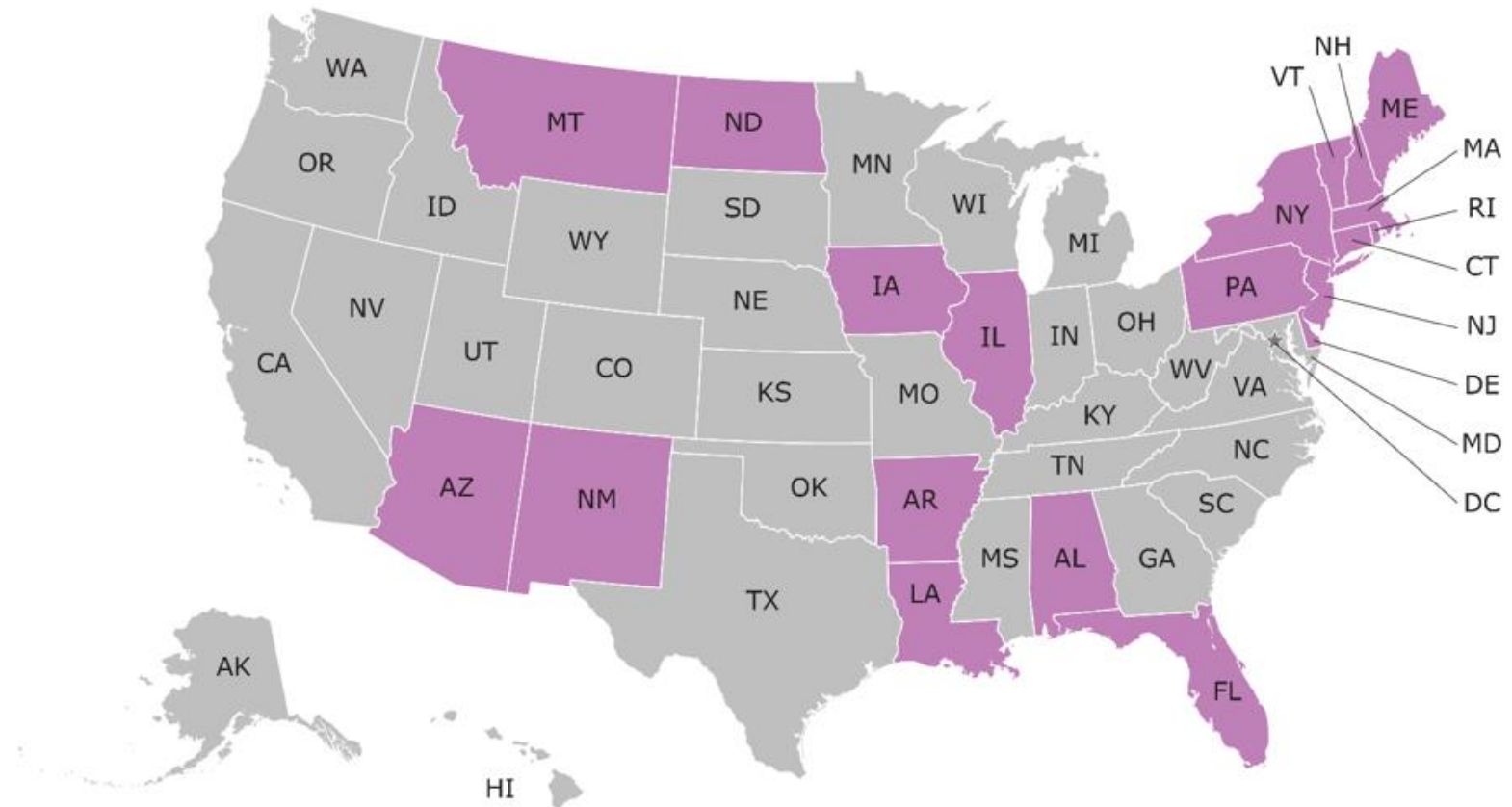
MARIJUANA LEGALIZATION



As of 7/31/21



STATES ADDRESSING REIMBURSEMENT FOR MEDICAL MARIJUANA IN WORKERS COMPENSATION



As of 7/31/21

HOT TOPIC—SINGLE-PAYER HEALTH INSURANCE

The following states proposed legislation addressing single-payer health insurance programs:

- California
 - AB 1400—Provides comprehensive universal single-payer healthcare coverage and a healthcare cost control system for all residents of the state. Establishes a board that shall develop a proposal for CalCare coverage of healthcare items and services currently covered under the workers compensation system, including whether and how to continue funding for those items and services under that system and how to incorporate experience rating (Pending).
- Iowa
 - HF 55—Provides comprehensive universal single-payer healthcare coverage and a healthcare cost control system for all residents of the state. Establishes a board that shall develop a proposal for healthy Iowa program coverage of healthcare items and services currently covered under the workers compensation system, including whether and how to continue funding for those healthcare services under the workers compensation law and whether and how to incorporate an element of experience rating (Did not pass).
- Maine
 - LD 1045—Establishes the Maine Health Care Act to provide for all medically necessary healthcare services for all residents of the state. Does not go into effect unless federal law is enacted that authorizes a state to obtain a waiver to establish a state-based universal healthcare plan and to receive federal funding for that plan (Enacted).





- **Maryland**
 - HB 534—Establishes the Healthy Maryland Program to provide comprehensive universal healthcare coverage for every Maryland resident. The Healthy Maryland board shall develop a proposal for Healthy Maryland coverage of healthcare services currently covered under the state workers compensation system, including whether and how to (1) continue funding for those services under the workers compensation system, and (2) incorporate an element of experience rating (Did not pass).
- **Massachusetts**
 - HB 1267/SB 766—Establishes single-payer Medicare for all healthcare in the commonwealth. Includes the medical components of workers compensation as a collateral source (Pending).
- **Minnesota**
 - HF 2499/SF 2010—Requires an analysis of the benefits and costs of a legislative proposal for a universal healthcare financing system and a similar analysis of the current healthcare financing system to assist the state in comparing the proposal to the current system. Requires the analysis to measure the performance of both the Minnesota Health Plan and the current healthcare financing system over a 10-year period to contrast the impact on workers compensation insurance (Did not pass).
- **New York**
 - A 6058/S 5474—Establishes the New York Health program. The board of trustees shall develop a proposal for New York Health coverage of healthcare services under the workers compensation law, including whether and how to continue funding for those services under that law and whether and how to incorporate an element of experience rating (Pending).
- **Oregon**
 - SB 428—Extends the sunset on the task force on universal healthcare for one year and extends the deadline for the task force to submit recommendations to the legislature (Enacted).



- Rhode Island
 - HB 5628/SB 233—Establishes a single-payer healthcare insurance program. The director of the program must develop procedures for accommodating coverage of healthcare services currently covered under the workers compensation system, including whether and how to continue funding for services under the workers compensation system and whether and how to incorporate an element of experience rating (Did not pass).
- Texas
 - HB 602—Relates to the provision of comprehensive healthcare benefits coverage through a publicly funded program known as the Healthy Texas Program. The Healthy Texas board shall develop a proposal for Healthy Texas Program coverage of healthcare services currently covered under the workers compensation system, including whether and how to continue funding for services under the workers compensation system and whether and how to incorporate an element of experience rating (Did not pass).
- Washington
 - SB 5399—Creates a universal healthcare commission (Enacted).

HOT TOPIC—INDEPENDENT CONTRACTORS/GIG ECONOMY

The following states proposed legislation addressing the classification of certain workers as employees or independent contractors:

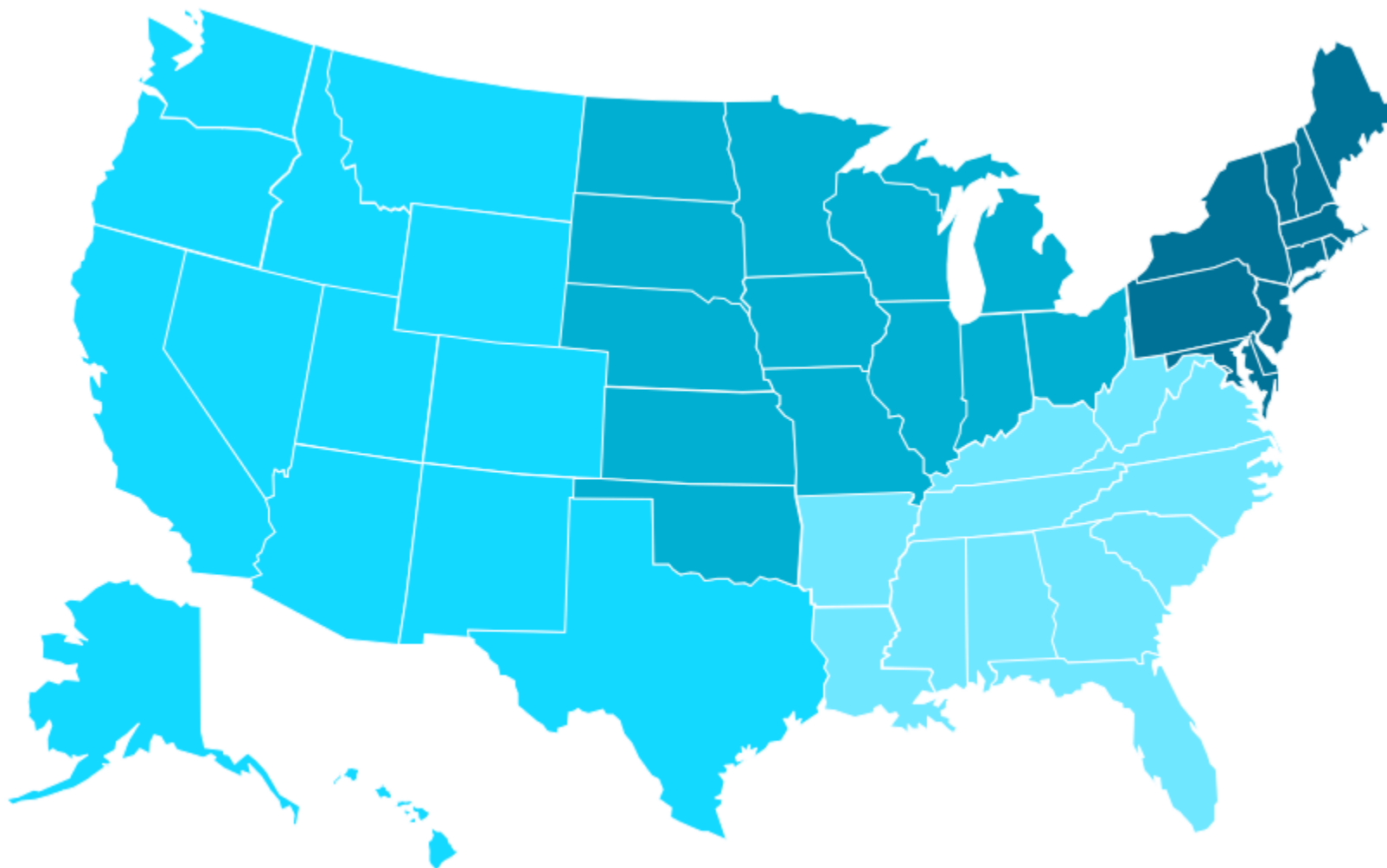
- California
 - AB 25—Repeals provisions related to the “ABC” test for various specified occupations and businesses (Pending).
 - AB 1561—Extends the sunset dates of the exemptions granted to licensed manicurists and construction trucking contractors under AB 5 to January 1, 2025 (Pending).
- Louisiana
 - SB 244—Establishes the Fresh Start Proper Worker Classification Initiative and the Louisiana Voluntary Disclosure Program (Enacted).
- Missouri
 - HB 214—Establishes the criteria of a worker to be considered as an independent contractor (Did not pass).
- New Jersey
 - A 5890—Concerns enforcement of employee misclassification and stop-work order laws (Enacted).
 - A 5892—Streamlines identification of employee misclassification (Enacted).
- New York
 - A 7521—Relates to classification of transportation network company drivers as employees (Pending).
 - A 7743—Relates to classification of transportation network company drivers as employees (Pending).
 - S 1999—Relates to the employee status of an individual (Pending).





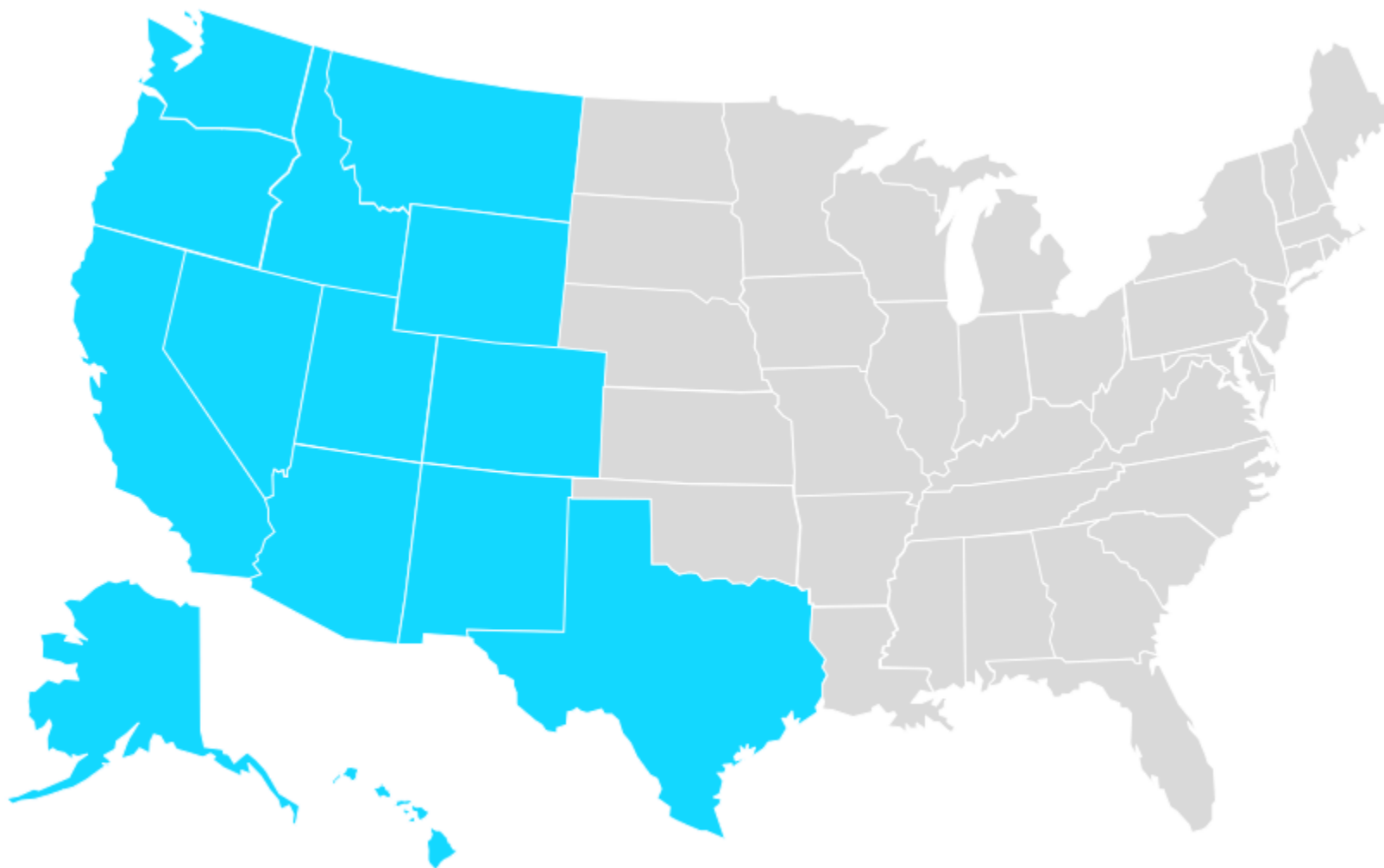
- Texas
 - HB 4182—Relates to the employment status of certain remote service workers (Did not pass).
- Utah
 - SB 32—Establishes that a remote-service contractor is not an employee of a marketplace contractor if certain conditions are met (Enacted).
- Virginia
 - HB 2134—Prohibits the consideration in any determination regarding whether an individual is an employee or independent contractor, for the purposes of a civil action for employment misclassification, unemployment compensation, and workers compensation, of the provision of personal protective equipment by a hiring party to the individual in response to a disaster caused by a communicable disease (Enacted).
- West Virginia
 - SB 272—Relates to criteria for classifying workers as employees or independent contractors for workers compensation purposes (Enacted).

LEGISLATIVE, JUDICIAL, AND OTHER ACTIVITY BY ZONE





WESTERN ZONE





WESTERN ZONE

The Western Zone includes the following states: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

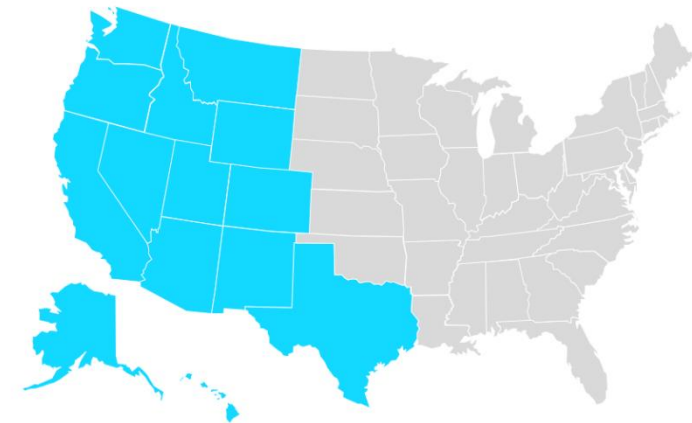
New Administrators

Alaska—Charles Collins, Director, Division of Workers' Compensation

Hawaii—Anne Perreira-Eustaquio, Director, Department of Labor and Industrial Relations

Montana—Troy Downing, Commissioner of Securities and Insurance Office of the Montana State Auditor; Laurie Esau, Commissioner, Department of Labor and Industry

Utah—Jonathan Pike, Commissioner, Department of Insurance



Highlights From the Western Zone

This year, 3 states in the Western Zone (Alaska, Texas, and Wyoming) enacted legislation addressing workers compensation presumptions of compensability for contraction of or exposure to COVID-19. Texas enacted SB 22 to establish a new workers compensation presumption for COVID-19 for certain public safety employees and their survivors.

Alaska and Wyoming passed legislation to extend and/or expand COVID-19 presumptions that were initially enacted in 2020. Alaska enacted HB 76 to extend the workers compensation presumption for COVID-19 for firefighters, emergency medical technicians, paramedics, peace officers, and healthcare providers through December 31, 2021. Wyoming enacted SF 19, which extends the workers compensation presumption for COVID-19 for employees through March 31, 2022.

In addition, Washington enacted SB 5190, which establishes a presumption for healthcare employees that any infectious or contagious diseases that are the subject of a public health emergency are occupational diseases during the public health emergency. While the bill is not specific to COVID-19, it defines “public health emergency” as a “declaration or order that covers the jurisdiction where the employee was working on the date of exposure concerning any dangerous, contagious, or infectious diseases, including a pandemic ...”



There was also activity on the hot topics of marijuana legalization and single-payer health insurance. New Mexico was one of the states that legalized recreational marijuana through legislation this year.

Two of the three states that passed single-payer health insurance legislation this year were in the Western Zone—Oregon and Washington. Oregon enacted SB 428 to extend the task force on universal healthcare for one year and extend the deadline for the task force to submit recommendations to the legislature until September 30, 2022. Washington enacted a bill to create a universal healthcare commission. The new commission must submit a report with recommendations to the legislature and the governor by November 1, 2022 (SB 5399).

Recently Enacted Workers Compensation-Related Legislation in the Western Zone

- Alaska
 - **HB 76—COVID-19 Presumption Extension**
Extends workers compensation presumption for COVID-19 for firefighters, emergency medical technicians, paramedics, peace officers, and healthcare providers through December 31, 2021.
- Arizona
 - **HB 2454—Telehealth**
Provides that a medical examination may be conducted via telehealth with the consent of the employee and requesting party.
 - **SB 1049—Insurance Department Omnibus Bill**
Clarifies electronic notice and communication requirements and that an insured that effectuates insurance transactions electronically is deemed to consent to electronic notices.
 - **SB 1451—Firefighter Cancer Presumption**
Establishes workers compensation presumption for certain cancers for firefighters and fire investigators. Allows for deviations from filed workers compensation rates for workers compensation insurers providing coverage for firefighters and fire investigators that must be accompanied by an actuarial analysis that substantively illustrates the basis for the rate increase. Also allows insurers to file and apply a schedule rating plan to adjust premiums associated with firefighters and fire investigator class codes. Requires insurers, self-insured employers, and workers compensation pools to compile and report firefighter cancer claim data to the Industrial Commission of Arizona (ICA) and the ICA to make that data available.



■ California

■ **AB 569—Fraud**

Increases the maximum civil penalty from \$15,000 to \$30,000 for certain violations including filing false workers compensation materials.

■ Colorado

■ **HB 21-1050—General Workers Compensation**

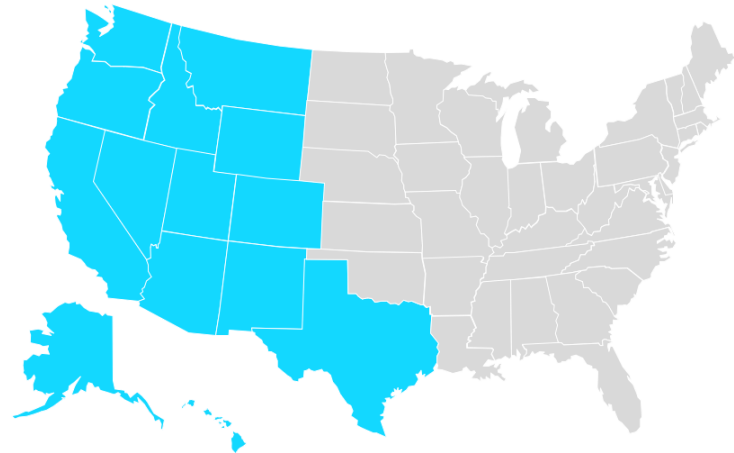
Relates to changes that affect the timely payment of benefits, guardian ad litem and conservator services, benefit offsets related to the receipt of federal disability or retirement benefits, the reduction of benefits based on apportionment, the selection of independent medical examiners, limits on temporary disability and permanent partial disability payments, the withdrawal of admissions of liability, mileage expense reimbursement, the authority of prehearing administrative law judges, the reopening of permanent total disability awards, and petitions for review and appeals of orders.

■ **SB 21-096—Classification Appeals Board**

Extends the sunset date for the workers compensation classification appeals board from July 1, 2021, until September 1, 2032.

■ **SB 21-1207—Overpayment**

Addresses the overpayment of benefits.



■ Idaho

■ H 78—Department of Insurance Omnibus Bill

Eliminates the workers compensation minimum premium threshold and the requirement that filings shall include a premium calculated on an annual salary of \$13,000 when determining premium for partnerships and sole proprietors.

■ S 1009—Firefighters

Includes the state fire marshal and the state fire marshal’s deputies in the definition of firefighters for certain workers compensation benefits for first responders.

■ S 1010—Burial Expenses

Consolidates duplicative definitions regarding burial expenses.

■ Montana

■ HB 198—Burial Expenses

Increases the maximum workers compensation benefits paid for burial expenses.

■ HB 199—Claims

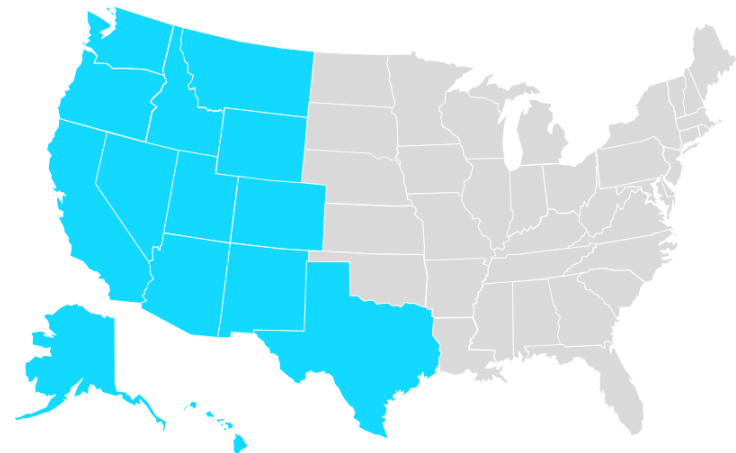
Revises workers compensation laws relating to information and reopening of claims.

■ HB 283—Workers Compensation for Volunteers

Requires workers compensation insurance coverage for volunteers enrolled in an elementary or secondary educational institution; allows the business partner and the educational institution to mutually determine and agree in writing whether the business partner or the educational institution will elect coverage for the volunteer.

■ HB 446—Prosthetic Devices

Defines “prosthetic device” or “prosthesis” for workers compensation insurance; provides that a prosthetic device or prosthesis is an artificial substitute for a missing body part.



■ **HB 655—Medical Marijuana**

Provides that failing to pass, or refusing to take, a drug test that complies with certain requirements after an accident creates a presumption that the major contributing cause of the accident was the use of nonprescribed drugs. This presumption does not apply to employees certified to use medical marijuana.

■ **HB 701—Marijuana**

Revises laws related to the regulation and taxation of marijuana.

■ **SB 118—False Statements**

Revises laws relating to false statements to employers and workers compensation.

■ **SB 367—Independent Contractors**

Provides that the Department of Labor and Industry may not presume an employment relationship because a party does not hold an independent contractor certificate.

■ **SB 374—Physician Dispensing**

Allows medical practitioners to dispense drugs to patients and establishes requirements for and limitations on medical practitioner dispensing.

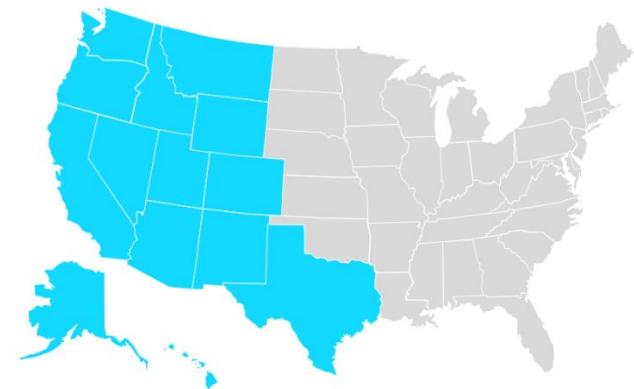
■ **Nevada**

■ **AB 4—Insurance Guaranty Association**

Revises provisions governing the authority and duties of the Nevada Insurance Guaranty Association, the board of directors of the association, and the commissioner of insurance. Revises provisions governing claims against, and actions and proceedings involving, insolvent insurers and the association. Revises provisions governing the plan of operation of the association and subrogation and recovery by the association. Revises the immunity from liability for certain persons with regard to activities relating to the association and insolvent insurers.

■ **AB 400—Intoxication**

Establishes standards for determining when an employee is considered to be under the influence of a controlled or prohibited substance (including marijuana) for workers compensation purposes and provides an exception if the employee has a current and lawful prescription issued in the employee's name.



■ SB 5—Telehealth

Requires the Department of Health and Human Services to establish an electronic tool to analyze certain data concerning access to telehealth. Requires certain entities to review access to services provided through telehealth and evaluate policies to make such access more equitable. Revises provisions governing services provided through telehealth and insurance coverage of such services.

■ SB 55—Employee Leasing Companies

Revises provisions governing the licensing and regulation of employee leasing companies.

■ SB 289—Apportionment

Prohibits apportionment of permanent partial disability benefits under certain circumstances.

■ SB 295—Permanent Total Disability

Prohibits an insurer from terminating or limiting permanent total disability compensation payments on the basis the injured employee earns income.

■ Oregon

■ HB 2039—Records/Contractors

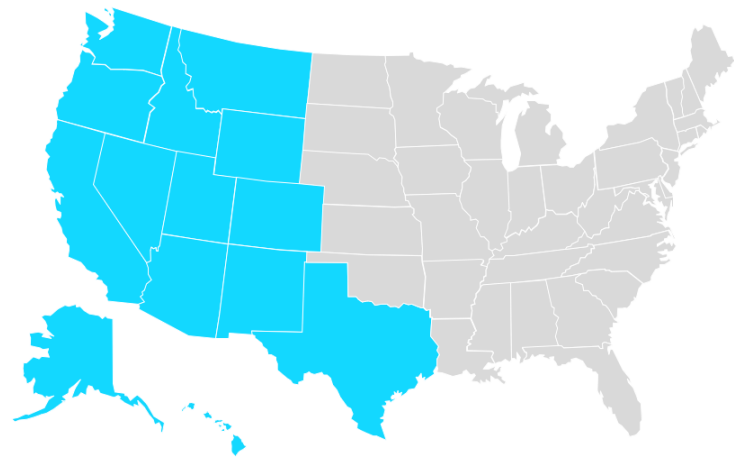
Relates to claim record availability to the Department of Consumer and Business Services. Additionally, relates to coverage for individuals who perform labor under contract if licensed as a construction contractor or landscape contracting business.

■ HB 2040—Claims Reporting

Permits the director of the Department of Consumer and Business Services to specify by rule, methods for reporting information related to workers compensation claims.

■ HB 2359—Healthcare Interpreters

Provides that certain healthcare interpreters are subject workers for purposes of workers compensation benefits.





- **HB 2915—Heart/Lung Presumption for Firefighters**

Relates to a presumption that death, disability, or impairment caused by heart or lung disease is a compensable occupational disease for certain firefighters.

- **HB 3188—Employment Status**

Modifies definitions of “employer” and “worker” for purposes of workers compensation law. Increases total labor cost at which employment is “casual” and thus not subject to workers compensation laws from \$500 to \$1,000 over 30 days, with annual increases.

- **Texas**

- **HB 3752—Health Benefits**

Relates to offering health benefits by subsidiaries of the Texas Mutual Insurance Company.

- **HB 3769—Disclosures**

Relates to required disclosures for certain occupational insurance policies.

- **SB 22—COVID-19 Presumption for Public Safety Employees**

Establishes workers compensation presumption for COVID-19 for certain public safety employees and survivors of certain public safety employees.

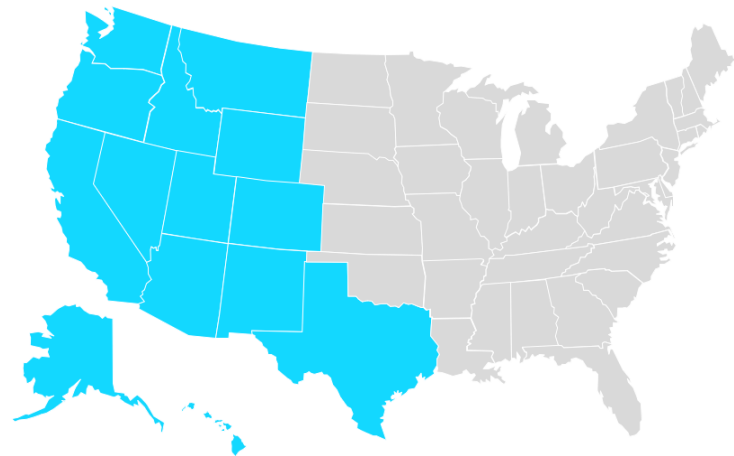
- **Utah**

- **HB 25—Mental Injuries**

Extends the Mental Health Protections for First Responders Workgroup until 2025.

- **SB 32—Independent Contractors/Gig Economy**

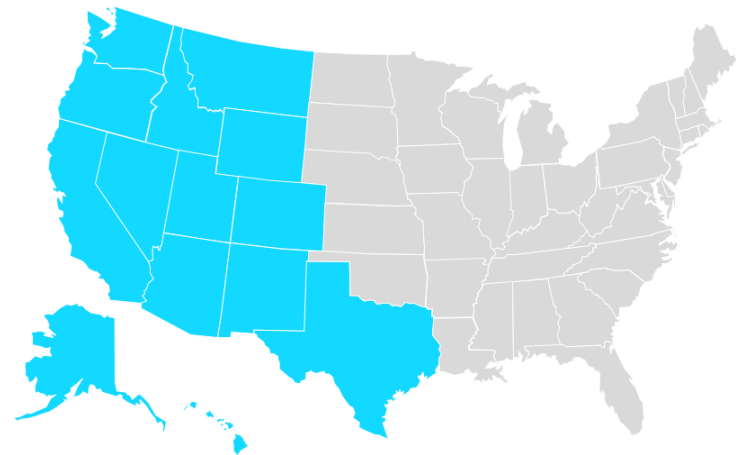
Establishes that a remote-service contractor is not an employee of a marketplace contractor if certain conditions are met.



- Washington
 - **SB 5046—Claims**
Relates to workers compensation claim resolution settlement agreements.
 - **SB 5190—Infectious Disease Presumption for Healthcare Workers**
Provides healthcare workers with presumptive benefits during a public health emergency.
- Wyoming
 - **HB 239—Student Learners**
Provides that student learners engaged in extra hazardous employment are considered employees for workers compensation purposes.
 - **SF 19—Extension of COVID-19 Presumption**
Extends workers compensation presumption for COVID-19 for employees through March 31, 2022.

Workers Compensation Judicial Decisions of Interest

- Arizona—Workers Compensation for Mental Injuries
 - *France v. The Industrial Commission of Arizona* (Arizona Supreme Court, March 2021): Clarified the standard that applies to determining whether a mental injury arises from an “unexpected, unusual, or extraordinary stress related to the employment” that was a “contributing cause of the mental injury” under Arizona statute 23-1043.01(B), so as to be eligible for workers compensation benefits.



■ Colorado—Caps on Benefits After Apportionment

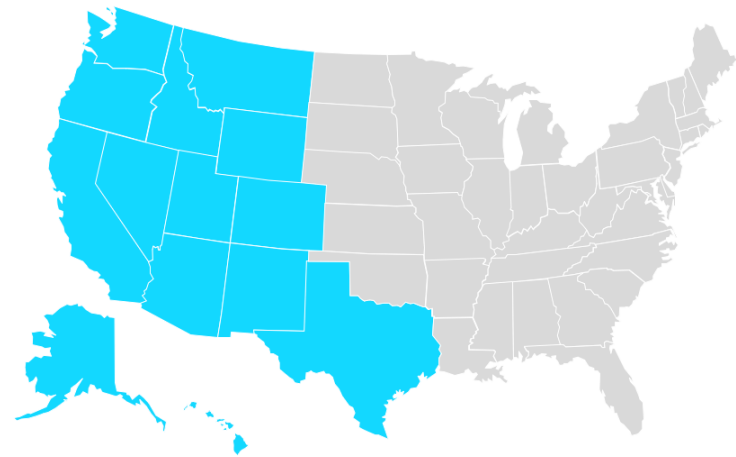
- *Browne v. Industrial Claim Appeals Office* (Colorado Court of Appeals, Division I, June 2021): Held that the statutory cap on benefits under C.R.S. 8-42-107.5 is to be applied to the apportioned impairment rating for claims for injuries to the same body part under C.R.S. 8-42-104(5).

■ Idaho—Statute of Limitations for Claims Against Industrial Special Indemnity Fund

- *Stanley v. State of Idaho Industrial Special Indemnity Fund* (Idaho Supreme Court, February 2021): Held that an employee's claim against the Industrial Special Indemnity Fund (Fund) was not subject to the statute of limitations set forth in Idaho statute. The court reasoned that the statute explicitly names the employer, surety, and Commission, but does not reference the Fund, and therefore the statute is plain on its face that it does not apply to the Fund.

■ Idaho—Exclusive Remedy

- *Kelly v. TRC Fabrication, LLC* (Idaho Supreme Court, April 2021): Clarified, as a matter of first impression, when a delivery service ancillary to a contract for the sale of goods would create a statutory employer relationship. The court held that for purposes of workers compensation exclusive remedy, the purchasing company was not the statutory employer of the driver, and thus was not immune from tort lawsuit.



■ Montana—Constitutionality of Subrogation Statute

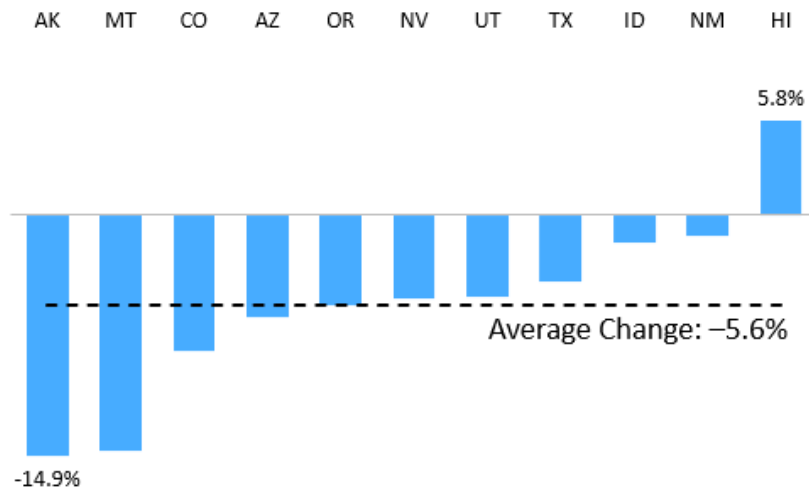
- *Hogan v. Federated Mutual Insurance Co.* (Montana Workers' Compensation Court, April 2021): Held that the statutory formula to calculate whether a workers compensation insurer may exercise its right of subrogation in Montana statute 39-71-414(6) is unconstitutional under the Montana Constitution, to the extent that it allows an insurer to subrogate against a claimant's recovery before the claimant is made whole.



WESTERN ZONE

Latest Approved Loss Cost/Rate Changes

NCCI States
Based on the 2020–2021 Rate Filing Season*



*Refer to the endnotes

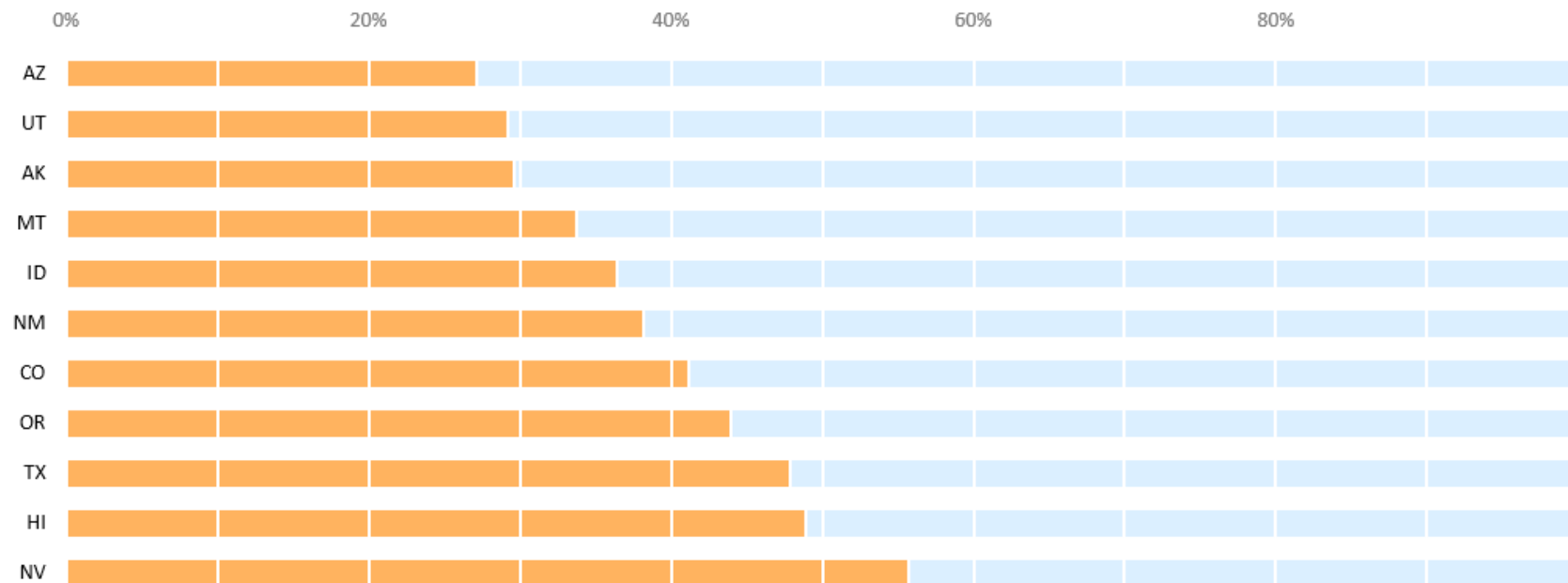


WESTERN ZONE

Percentage of Total Benefit Costs

Indemnity vs Medical

NCCI States
Based on the 2020–2021 Rate Filing Season*

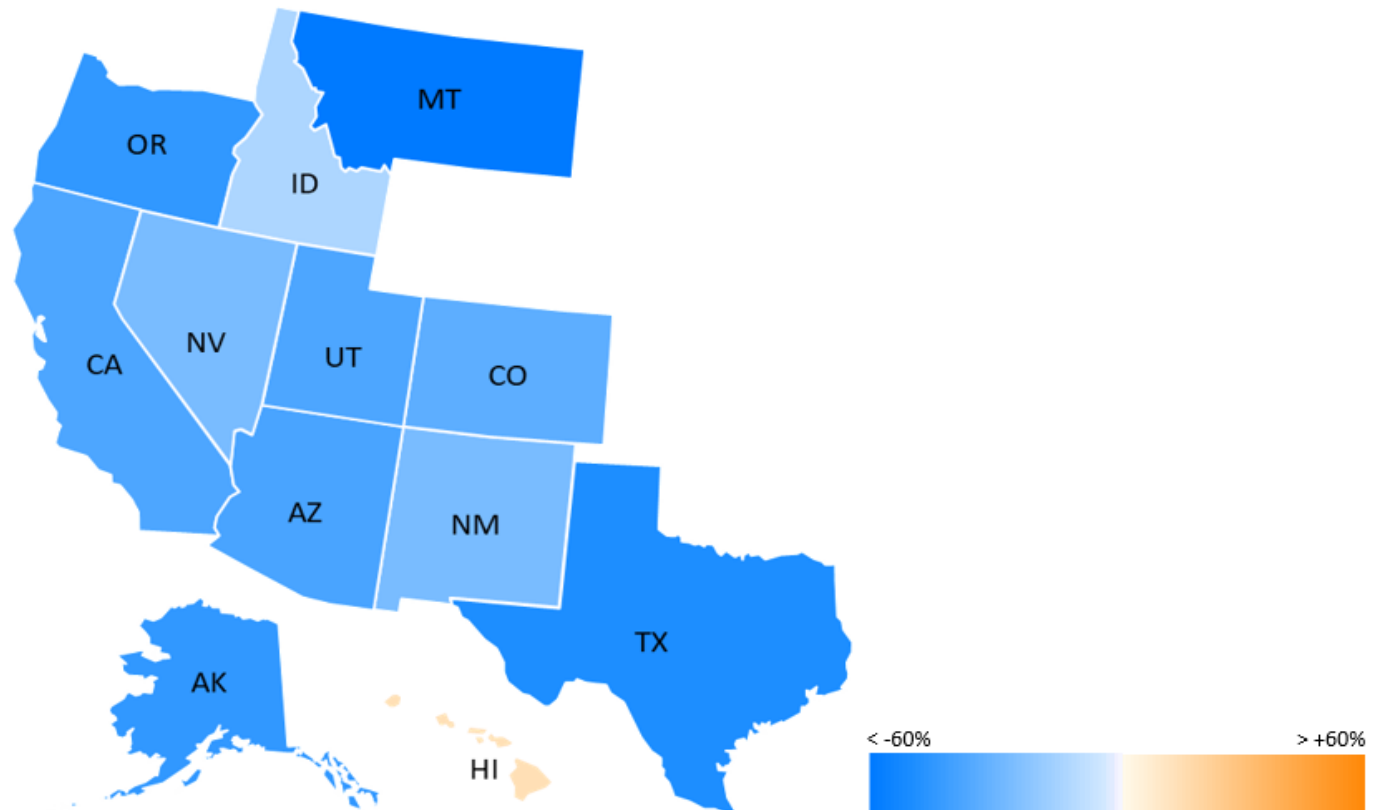


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WESTERN ZONE

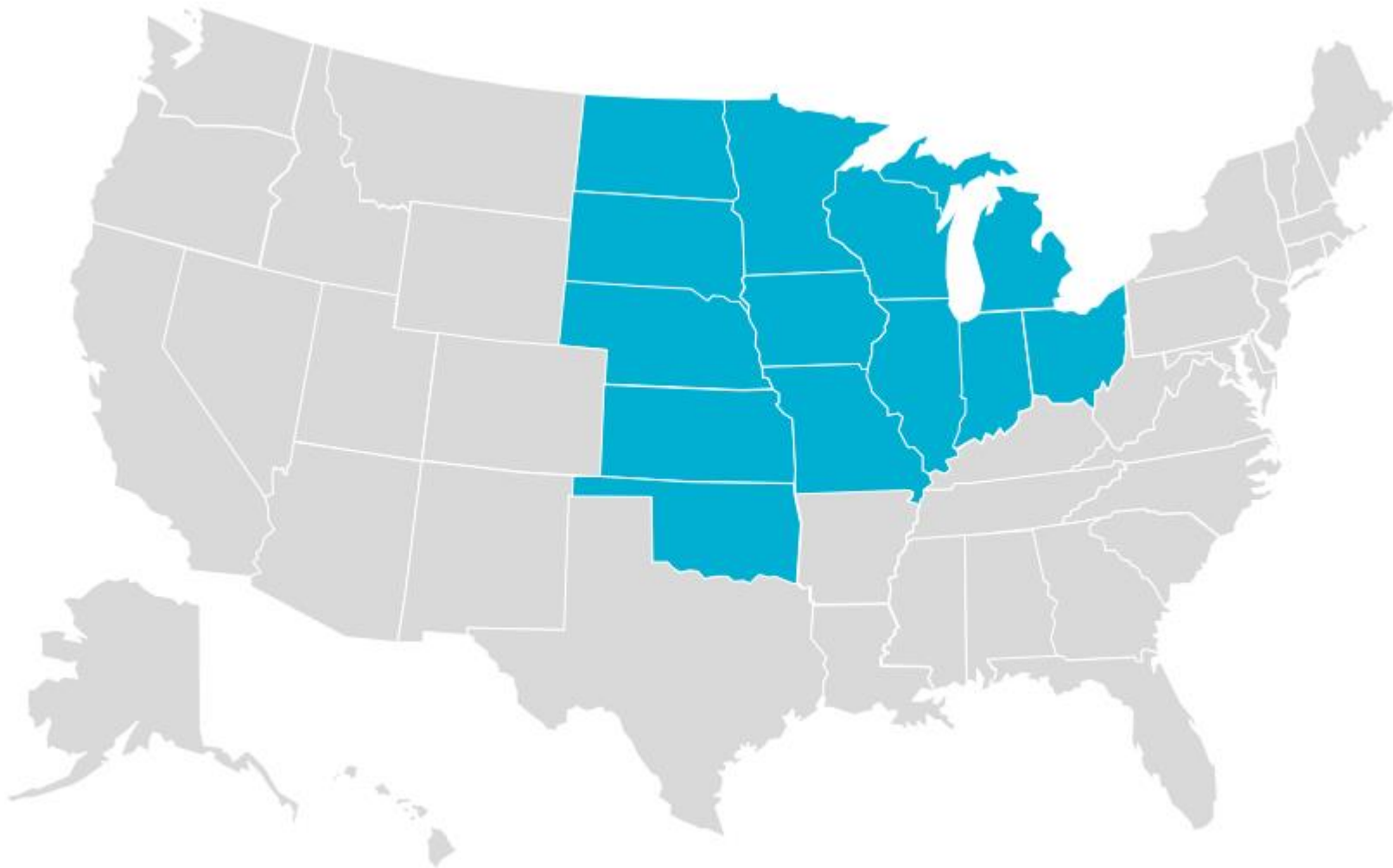
Cumulative Premium Level Change Since 2011*



*Refer to the endnotes



MIDWESTERN ZONE





MIDWESTERN ZONE

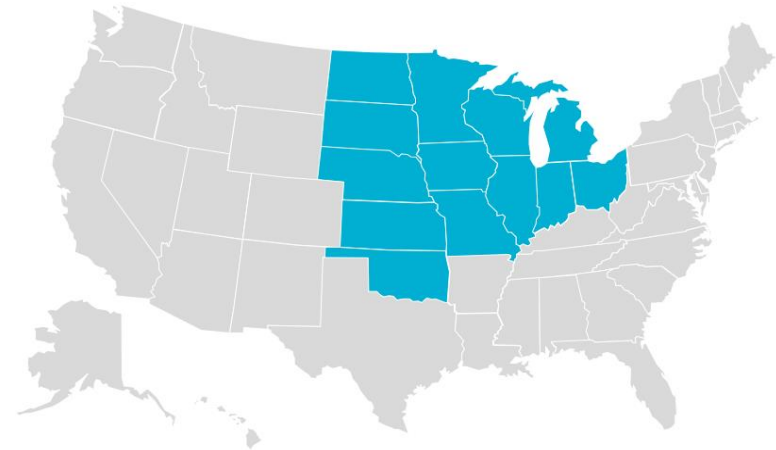
The Midwestern Zone includes the following states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

New Administrators

Illinois—Dana Popish Severinghaus, Acting Director, Department of Insurance

Nebraska—Eric Dunning, Director, Department of Insurance

Oklahoma—Jordan Russell, Commissioner, Workers' Compensation Commission



Highlights From the Midwestern Zone

This year, 3 states in the Midwestern Zone enacted legislation addressing workers compensation and COVID-19—Illinois, Minnesota, and South Dakota.

Illinois and Minnesota passed legislation to extend and/or expand COVID-19 presumptions that were initially enacted in 2020. Illinois enacted HB 4276, which extended workers compensation COVID-19 presumption provisions for first responders and frontline workers through June 30, 2021. Minnesota enacted HF 2253 to extend a presumption for a workers compensation claim based on COVID-19 through December 31, 2021.

In addition, South Dakota enacted HB 1046, which clarifies that COVID-19 is not an occupational disease under state law. South Dakota also saw activity addressing an approved ballot measure to legalize recreational marijuana in 2020. Earlier this year, a trial court judge in South Dakota ruled the state's 2020 recreational marijuana ballot measure violated the state constitution on procedural grounds. The case, *Thom v. Barnett*, is pending before the South Dakota Supreme Court.

Recently Enacted Workers Compensation-Related Legislation in the Midwestern Zone

■ Illinois

■ **HB 1957—Filings**

Amends the filing due date applicable to actuarial opinions as to the sufficiency of the loss and loss adjustment expense reserves for group workers compensation pools from June 1 to March 1 of each year.

■ **HB 4276—Extension of COVID-19 Presumption**

Extends workers compensation presumption for COVID-19 for first responders and frontline workers through June 30, 2021.

■ Iowa

■ **HF 838—Advisory Organizations**

Provides that an advisory organization cannot provide a service, and an insurer cannot use their services, unless the advisory organization has obtained the appropriate license.

■ Minnesota

■ **HF 2253—Extension of COVID-19 Presumption**

Extends presumption for a workers compensation claim based on COVID-19 through December 31, 2021.

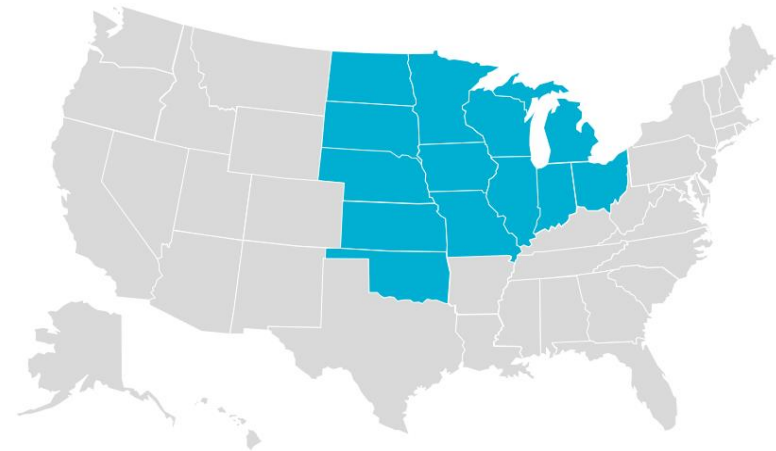
■ Missouri

■ **SB 45—Voluntary Firefighter Cancer Benefits Pool**

Allows for the creation of a Voluntary Firefighter Cancer Benefits Pool by three or more political subdivisions. The pool can make payments to covered individuals based on the type of cancer diagnosed. If an individual receives workers compensation benefits for the same injury, then the workers compensation benefits are reduced by any benefits received from the pool.

■ **SB 63—Prescription Drug Monitoring Task Force**

Establishes the Joint Oversight Task Force of Prescription Drug Monitoring. The task force will collect and maintain patient-controlled substance prescription dispensation information submitted by dispensers throughout the state.





■ **SB 303—Second Injury Fund and Various Provisions**

Modifies various provisions relating to workers compensation including electronic transfer of disability payments, Second Injury Fund liabilities, third-party administrators, electronic filings, and supplemental surcharges.

■ **Nebraska**

■ **LB 77—Rates and Forms**

Prohibits insurance risk classifications and rate adjustments based on the fact that the insured is deployed in the military.

■ **LB 256—Lump-Sum Settlements**

Changes provisions relating to lump-sum settlement approval and the filing of releases.

■ **LB 407—Mental Injuries**

Includes certain county correctional employees within provisions concerning mental injuries and mental illnesses under the workers compensation act.

■ **North Dakota**

■ **HB 1040—Appeals**

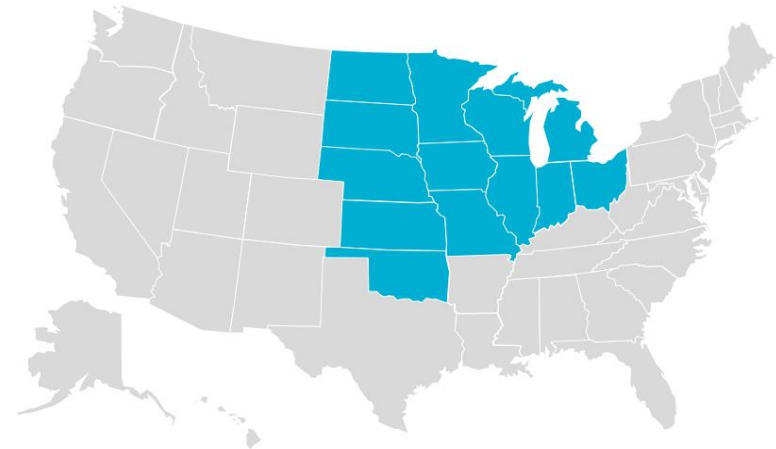
Relates to appealing a workforce safety and insurance decision.

■ **HB 1051—Attorney Fees**

Relates to attorney fees and reimbursement to employers.

■ **HB 1084—Marijuana Drug Test/Benefits**

Establishes rebuttable presumption that the employee's injury is due to recreational marijuana use if the employee's drug test is above a certain limit. If the employee refuses to submit to the drug test after the work accident, then the employee forfeits all entitlement to workplace safety and insurance benefits arising out of that injury.





- Ohio
 - **HB 75—Workers Compensation Claims**
Shortens the filing time for certain workers compensation claims.
 - **SB 4—Disclosures**
Makes changes to the workers compensation law regarding information disclosures.
- Oklahoma
 - **HB 2026—Definition of Employee**
Amends the definition of employee to include persons who provide services in a medical care or social services program or participants in a work or training program administered by the Department of Human Services.
 - **HB 2236—Fraud**
Provides that it is a felony failing to report to an employer, insurance carrier, or third-party administrator any earned income while receiving temporary total disability benefits. Modifies qualifications for personnel assigned to investigate fraud.
 - **SB 887—Insurance Guaranty Association**
Modifies the membership of the Oklahoma Property and Casualty Insurance Guaranty Association and authorizes each insurer to appoint an alternate representative.
 - **SB 1013—Compliance**
Relates to workers compensation compliance investigations.
- South Dakota
 - **HB 1046—Exposure to COVID-19**
Clarifies that COVID-19 is not an occupational disease under state law.
- Wisconsin
 - **SB 11—Mental Injuries**
Relates to workers compensation benefits for law enforcement officers and firefighters diagnosed with post-traumatic stress disorder.

Workers Compensation Judicial Decisions of Interest

■ Kansas—AMA Guides

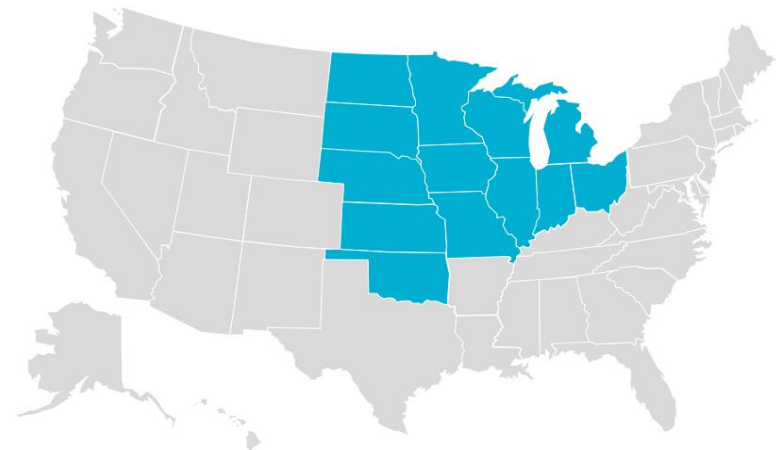
- *Johnson v. US Food Service* (Kansas Supreme Court, January 2021): Held that the provision in the workers compensation statute mandating the use of the 6th Edition of the *American Medical Association (AMA) Guides* to evaluate impairment rating for injuries occurring on and after January 1, 2015, was constitutional. This decision reversed a 2018 appellate ruling that found that the statute deprived workers of their right to a fair remedy and violated the state constitution.

■ Kansas—COVID-19

- *Talavera v. Bob's Super Saver, Inc.* (Kansas Workers Compensation Appeals Board, May 2021): Held that an administrative law judge did not err in finding that an injured worker's exposure to COVID-19 from a physical therapist providing medical treatment for a previous work-related injury—and subsequent contraction of COVID-19—was work related and compensable under the Workers Compensation Act.

■ Missouri—Second Injury Fund

- *Treasurer of the State of Missouri v. Parker* (Missouri Supreme Court, April 2021): Clarified the application of the statutory conditions that an employee must meet to be entitled to permanent total disability benefits from the Second Injury Fund under Missouri statute 287.220.

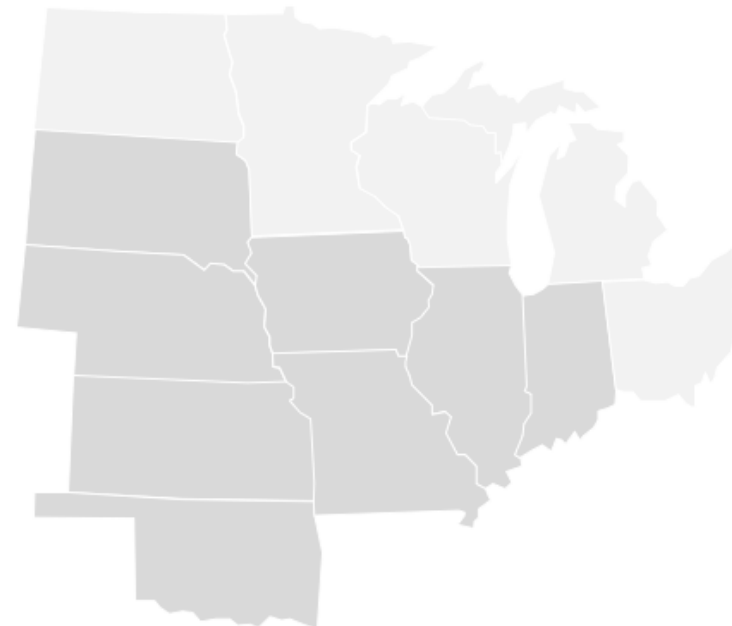
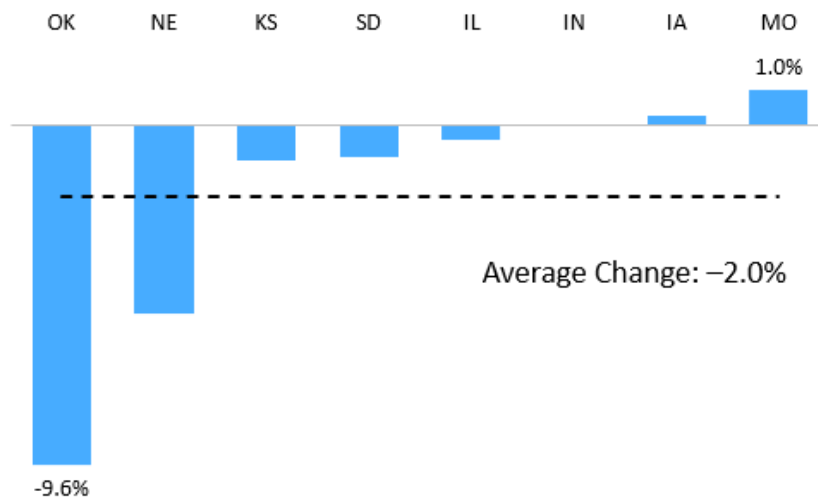




MIDWESTERN ZONE

Latest Approved Loss Cost/Rate Changes

NCCI States
Based on the 2020–2021 Rate Filing Season*



*Refer to the endnotes

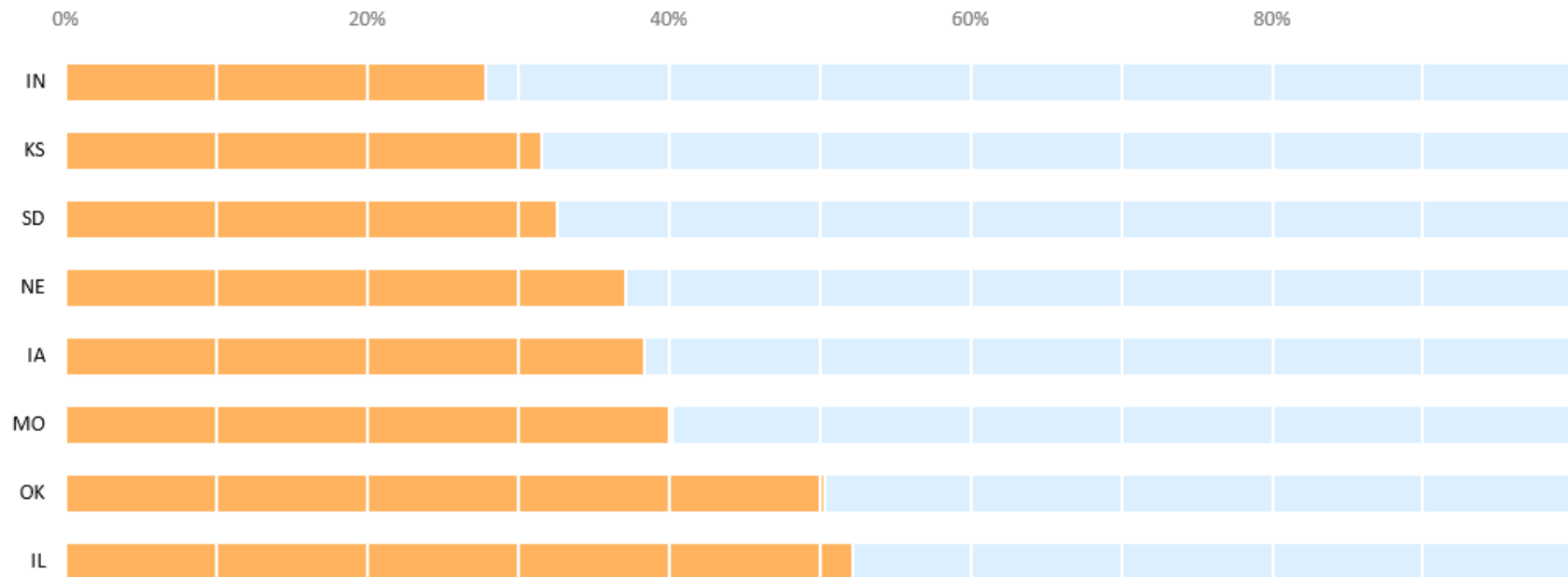


MIDWESTERN ZONE

Percentage of Total Benefit Costs

Indemnity vs Medical

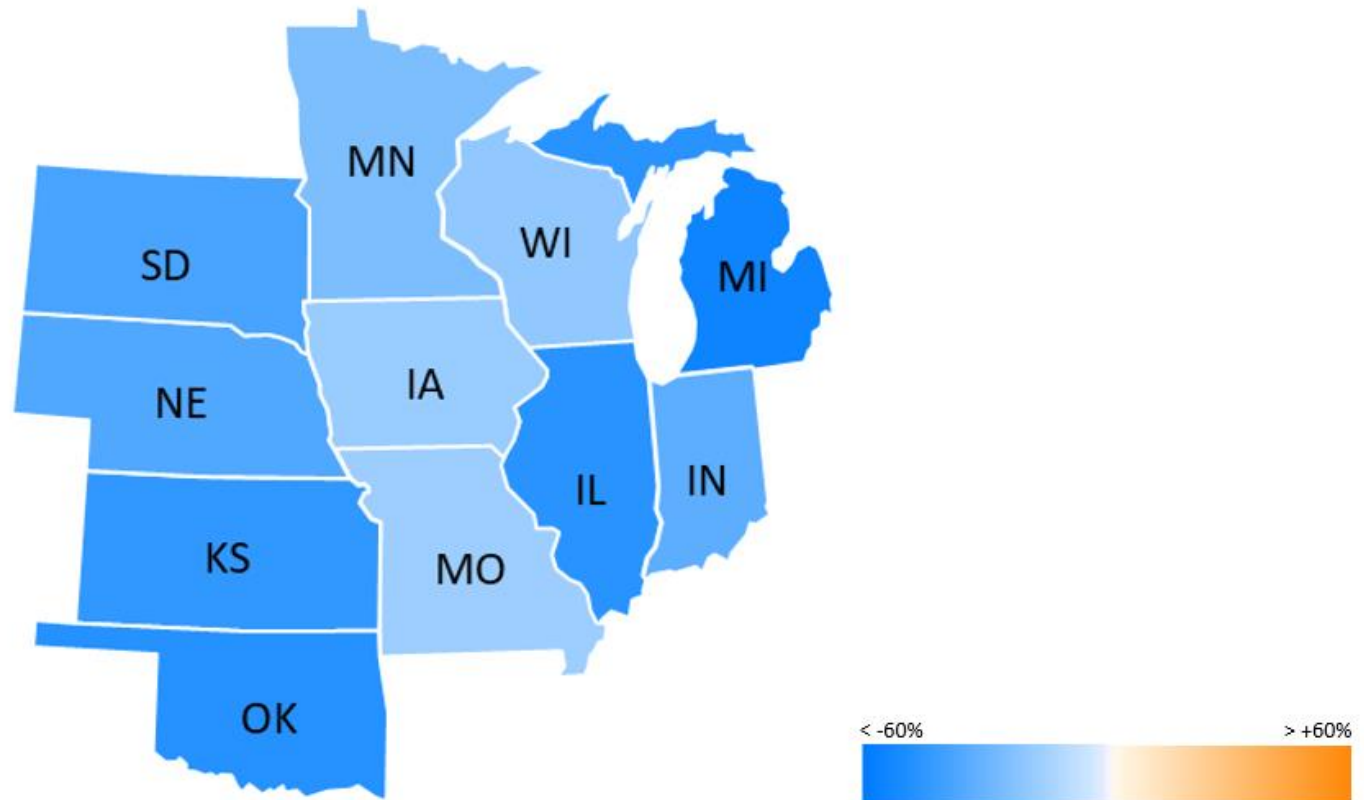
NCCI States
Based on the 2020–2021 Rate Filing Season*



*Refer to the endnotes

MIDWESTERN ZONE

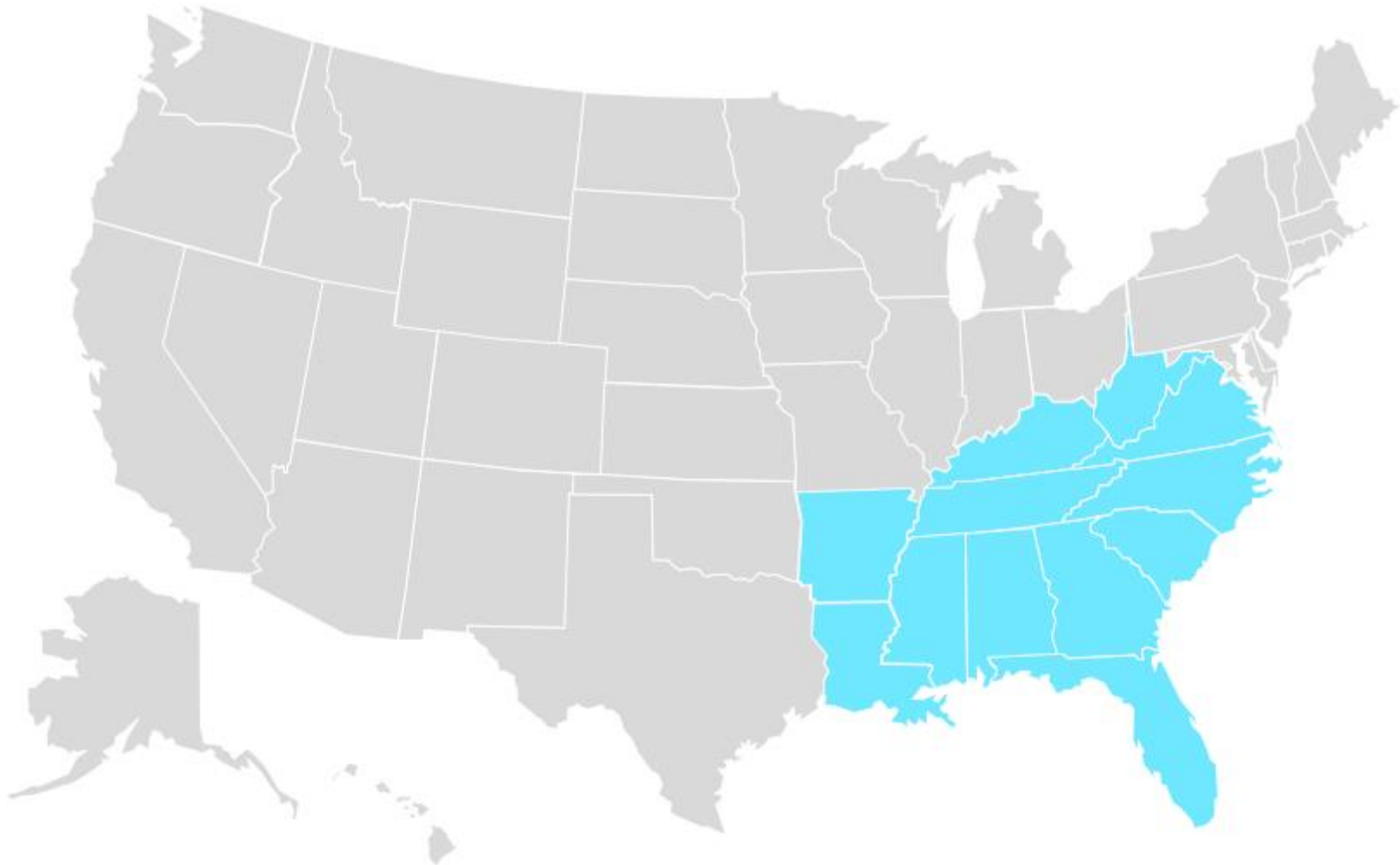
Cumulative Premium Level Change Since 2011*



*Refer to the endnotes



SOUTHEASTERN ZONE





SOUTHEASTERN ZONE

The Southeastern Zone includes the following states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

New Administrators

Georgia—Ben Vinson, Chair, State Board of Workers' Compensation

Kentucky—Robert Walker, Interim Commissioner, Department of Workers' Claims

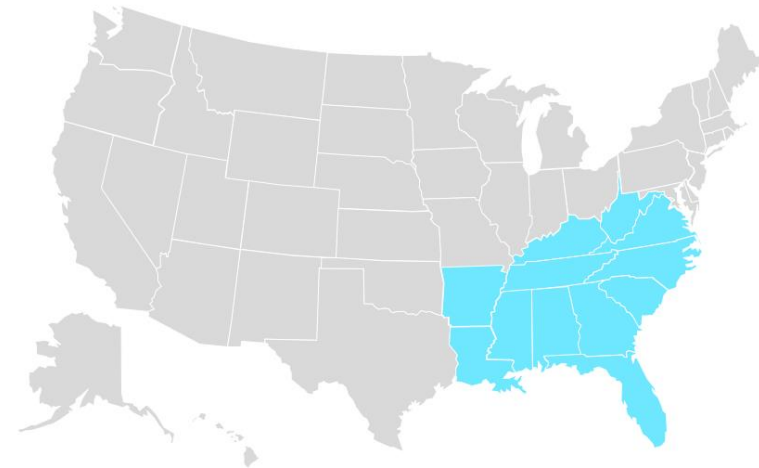
Tennessee—Carter Lawrence, Commissioner, Department of Commerce and Insurance

Highlights From the Southeastern Zone

This year, several states in the Southeastern Zone enacted legislation addressing COVID-19 and workers compensation. Virginia enacted legislation establishing a new workers compensation presumption of compensability for contraction of or exposure to COVID-19 for healthcare providers, firefighters, emergency medical services personnel, law enforcement officers, correctional officers, and regional jail officers.

Arkansas enacted HB 1488 providing that COVID-19 is a compensable injury or occupational disease and clarifying that workers compensation is the exclusive remedy for COVID-19 claims. West Virginia also enacted legislation (SB 277) clarifying that workers compensation is the exclusive remedy for COVID-19 claims.

Tennessee enacted SB 995 establishing a compensability presumption for emergency rescue workers who suffer a condition or impairment of health caused by a virus or other communicable disease for which a pandemic was declared and the governor has declared a state of emergency. The legislation did not specifically mention COVID-19.





Two states in the Southeastern Zone legalized the use of marijuana in some form through legislation. Virginia legalized the recreational use of marijuana and Alabama legalized the medical use of marijuana. Alabama's new medical marijuana law provides that employers and workers compensation insurers are not required to reimburse for medical marijuana in workers compensation. The law also provides that an employee is not eligible for workers compensation benefits if the injury or death was due to the employee's impairment from medical marijuana.

Arkansas and Florida also addressed the issue of medical marijuana reimbursement. The Arkansas Workers' Compensation Commission and a Florida appellate court did not rule in favor of requiring insurer reimbursement for medical marijuana treatment in workers compensation.

In May, the Mississippi Supreme Court overturned a 2020 ballot initiative approved by voters to establish a medical marijuana program in the state. The court overturned the ballot initiative on procedural grounds in *In Re Initiative Measure No. 65 v. Watson*.

Recently Enacted Workers Compensation-Related Legislation in the Southeastern Zone

■ Alabama

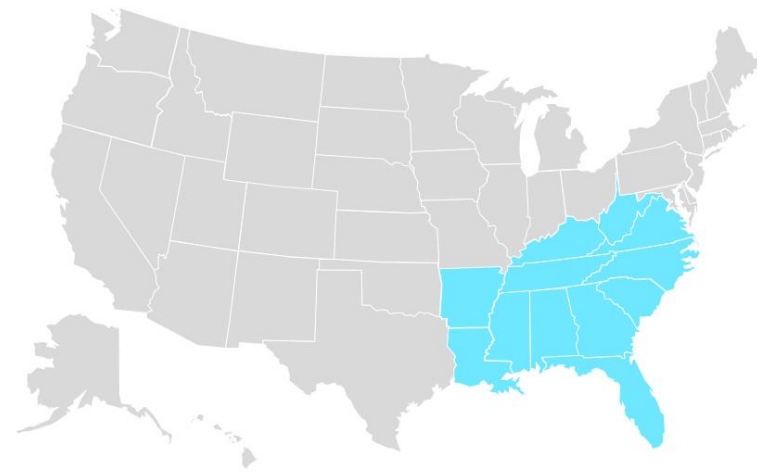
■ **SB 46—Medical Marijuana**

Legalizes the medical use of marijuana. Provides that an employee is not eligible for workers compensation benefits if the injury or death was due to the employee's impairment from medical marijuana. Establishes a conclusive presumption that the employee was impaired if the employee tests positive or refuses to take the drug test. Provides that the new law does not require an employer, property and casualty insurer, or private health insurer to reimburse an individual for costs associated with the use of medical marijuana.

■ Arkansas

■ **HB 1488—Exclusive Remedy**

Clarifies and provides sufficient recourse under the workers compensation law for employees to receive workers compensation benefits during the COVID-19 outbreak.





- **SB 547—Direct Sellers**

Regulates a direct seller as an independent contractor.

- Florida

- **HB 431—Physician Assistants**

Provides that a physician assistant may authenticate any document, such as “medical examinations for workers compensation claims except medical examinations required for the evaluation and assignment of the claimant’s date of maximum medical improvement as defined in s. 440.02 and for the impairment rating, if any, under s. 440.15.”

- Kentucky

- **SB 49—Home and Community-Based Services Workers**

Exempts certain home and community-based services from workers compensation.

- **SB 141—Coal Workers’ Pneumoconiosis Fund**

Relates to the distribution of funds from the Kentucky coal workers’ pneumoconiosis fund.

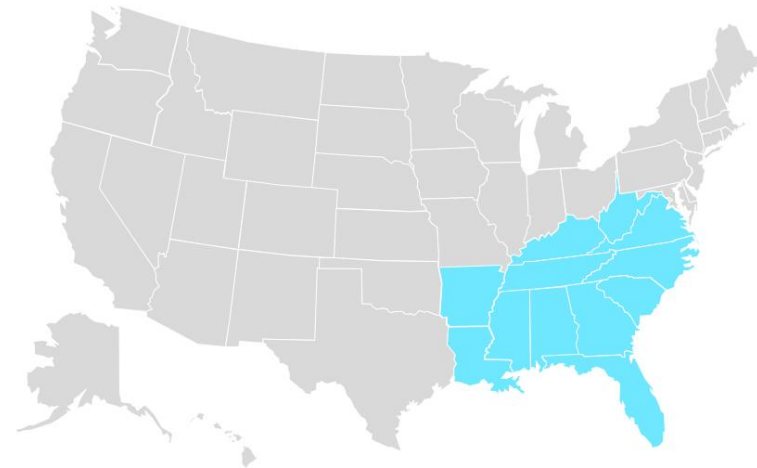
- Louisiana

- **HB 74—Claims**

Requires insurers issuing workers compensation policies in Louisiana to maintain a claims office in the state or retain the services of a claims adjuster who possesses a Louisiana license. Provides that workers compensation insurers make any relevant claims adjuster available for deposition for disputed claims.

- **SB 244—Independent Contractors**

Provides for uniform definitions of independent contractor and employee and for penalties for the misclassification of employees.





■ South Carolina

■ **HB 3585—Cancellation Provisions**

Provides that the cancellation of a workers compensation insurance policy is not effective unless written notice of cancellation is delivered or mailed to the South Carolina Workers' Compensation Commission and to the insured within the time frame required for notice to the insured under the law.

■ Tennessee

■ **HB 94—Technical Changes and Clarifications**

Requires disputes concerning an employer's failure to provide medical care and treatment, medical services or medical benefits, or both to meet certain requirements; removes requirement that all compensation be paid prior to an employee qualifying for vocational recovery assistance; authorizes workers compensation judges to conduct judicial settlement conferences.

■ **HB 395/SB 629—Contractor Liability**

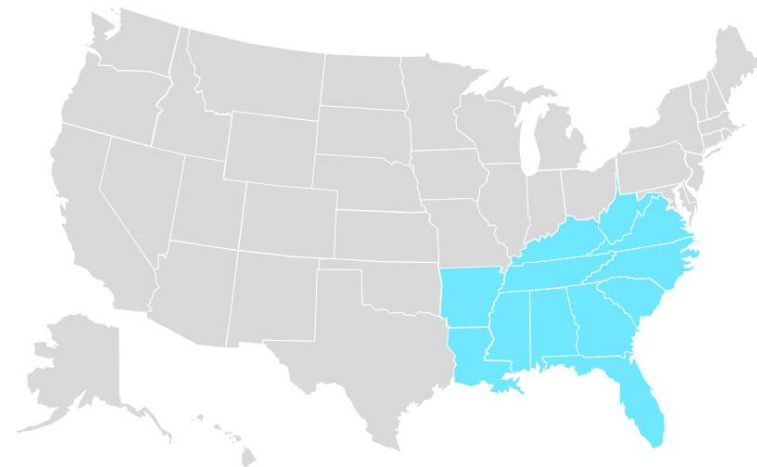
Removes liability of a general contractor, intermediate contractor, or subcontractor for workers compensation to a construction services provider for injuries occurring during the time period of December 9, 2019, through September 9, 2021, if certain conditions are met.

■ **HB 1285—Construction Services**

Revises and rearranges certain provisions governing construction services providers, the penalties for noncompliance of insurance requirements, and the exemption from having workers compensation insurance.

■ **SB 30—Workers Compensation Advisory Council**

Extends the advisory council on workers compensation to June 30, 2025.





■ **SB 995—Infectious Disease Presumption**

Establishes presumption for emergency rescue workers for a virus or other communicable disease, for which a pandemic has been declared by the World Health Organization or federal Centers for Disease Control and Prevention, and for which the governor has declared a state of emergency.

■ **SB 1576—Attorney Fees**

Authorizes the Court of Workers' Compensation Claims to award additional attorney fees and costs incurred when an employer wrongfully denies a claim or wrongfully fails to timely initiate benefits to which the employee or dependent is entitled for injuries that occur between July 1, 2021, and June 30, 2023.

■ Virginia

■ **HB 1818/SB 1275—Hypertension/Heart Disease Presumption for Emergency Medical Services Personnel**

Provides that the occupational disease presumption for death caused by hypertension or heart disease will apply for salaried or volunteer emergency medical services personnel who have at least five years of service and are operating in a locality that has legally adopted a resolution declaring that it will provide one or more such presumptions. Some provisions of the bill do not apply to any individual who was diagnosed with hypertension or heart disease before July 1, 2021.

■ **HB 1985—COVID-19 Presumption for Healthcare Providers**

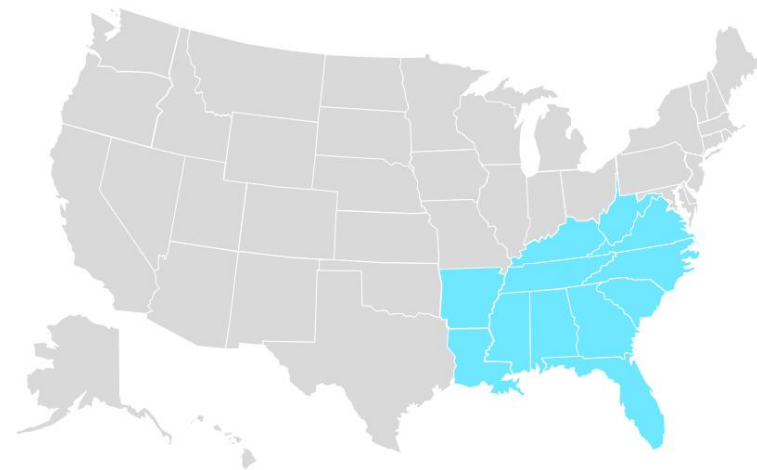
Establishes workers compensation presumption for COVID-19 for healthcare providers.

■ **HB 2032—Domestic Service Employees**

Provides that individuals who are engaged in providing domestic service are not excluded from employee protection laws.

■ **HB 2134—Independent Contractors**

Prohibits the consideration in any determination regarding whether an individual is an employee or independent contractor, for the purposes of a civil action for employment misclassification, unemployment compensation, and workers compensation, of the provision of personal protective equipment by a hiring party to the individual in response to a disaster caused by a communicable disease.





- **HB 2207/SB 1375—COVID-19 Presumption for Certain First Responders and Officers**

Establishes workers compensation presumption for COVID-19 for firefighters, emergency medical services personnel, law enforcement officers, correctional officers, and regional jail officers.

- **SB 1351—Claims**

Provides that an order issued by the Workers' Compensation Commission awarding or denying benefits shall not bar by res judicata any claim by an employee or cause a waiver, abandonment, or dismissal of any claim by an employee if the order does not expressly adjudicate such claim.

- **SB 1453—Mine Rescue and Recovery**

Provides that mine rescue and recovery team members, in certain circumstances, are deemed within the employment of the operator of the mine for workers compensation purposes.

- **West Virginia**

- **HB 3045—Cancer Presumption for Firefighters**

Deletes the July 1, 2023 sunset provision that would end a rebuttable presumption for a workers compensation benefits claim that a professional firefighter developed leukemia, lymphoma, or multiple myeloma arising out of and in the course of employment.

- **HB 3107—Mental Injuries**

Provides that post-traumatic stress disorder diagnosed by a licensed psychiatrist is a compensable occupational disease for first responders.

- **SB 272—Independent Contractors**

Relates to criteria for classifying workers as employees or independent contractors for workers compensation purposes.

- **SB 277—Exclusive Remedy and COVID-19**

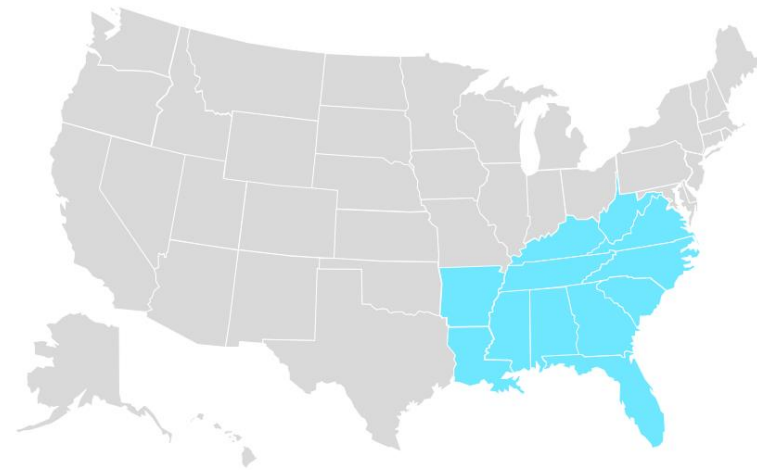
Provides that workers compensation is the sole and exclusive remedy for COVID-19-related injuries or conditions.

- **SB 390—All-Payer Claims Database**

Clarifies and delineates the roles of the entities responsible for the all-payer claims database.

Workers Compensation Judicial Decisions of Interest

- Arkansas—Marijuana Reimbursement in Workers Compensation
 - *Jones v. Amercable Corp.* (Arkansas Workers' Compensation Commission, June 2021): Held that a workers compensation insurer could not be compelled to pay for the costs of a claimant's medical marijuana use as a workers compensation treatment because marijuana remains illegal under the federal Controlled Substances Act. The Commission also found that, based on the specific facts of the case, medical marijuana was not reasonable and necessary medical treatment in relation to the claimant's compensable injuries.
- Florida—Marijuana Reimbursement in Workers Compensation
 - *Jones v. Grace Healthcare* (First District Court of Appeal of Florida, June 2021): Held that marijuana is not reimbursable in workers compensation and a referral to a physician authorized to prescribe medical marijuana is not medically necessary. The court also found that under the federal Controlled Substances Act, marijuana is not safe and has no use in medical treatment.
- Kentucky—Interest Rate on Income Benefits
 - *Martin v. Warrior Coal LLC* (Kentucky Supreme Court, February 2021): Held that the 6% interest rate on disability benefit awards, provided for in Kentucky statute KRS 342.040, applies to all portions of any income benefits due and unpaid to a claimant who suffered a compensable injury prior to the 2017 amendment to KRS 342.040, which reduced it from 12% to 6%.

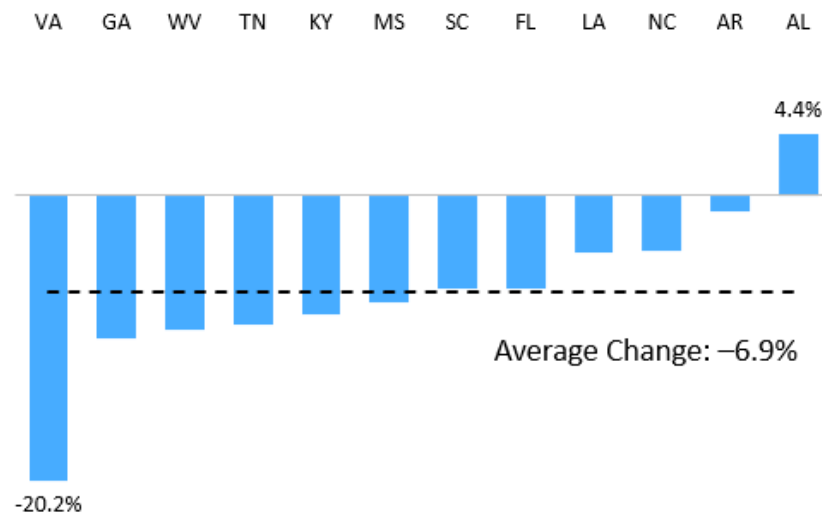




SOUTHEASTERN ZONE

Latest Approved Loss Cost/Rate Changes

NCCI States
Based on the 2020–2021 Rate Filing Season*



*Refer to the endnotes

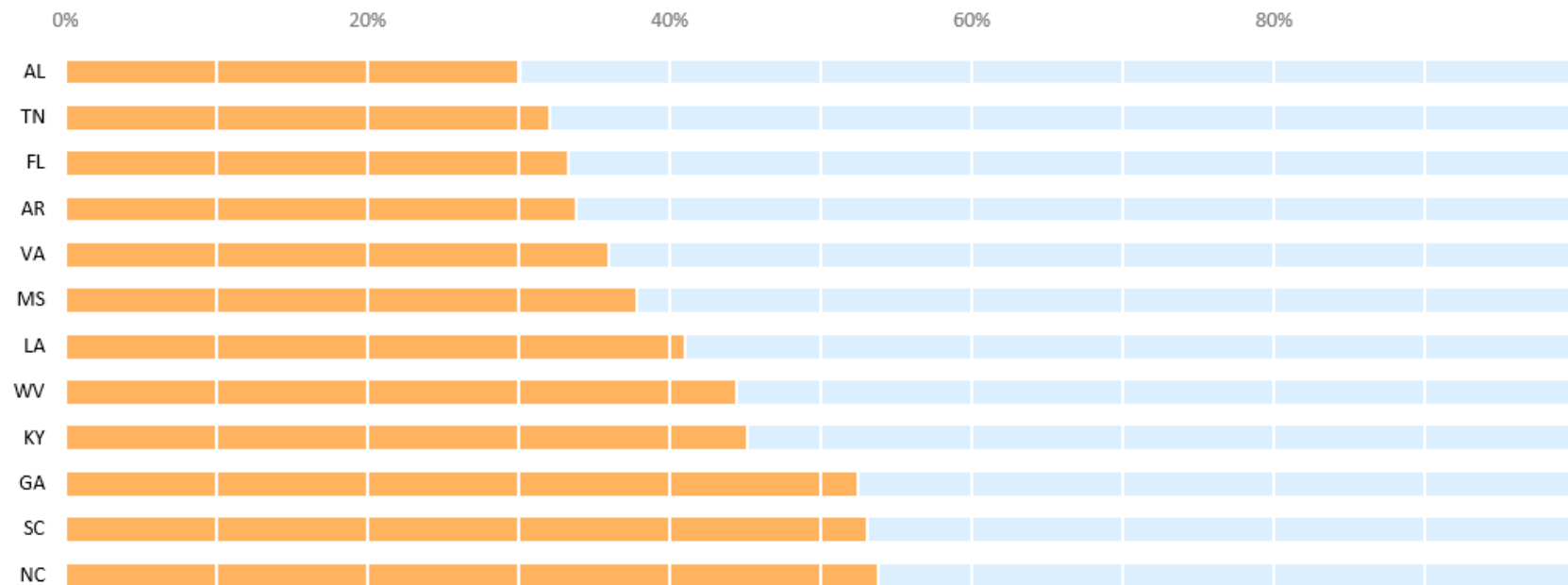


SOUTHEASTERN ZONE

Percentage of Total Benefit Costs

Indemnity vs Medical

NCCI States
Based on the 2020–2021 Rate Filing Season*

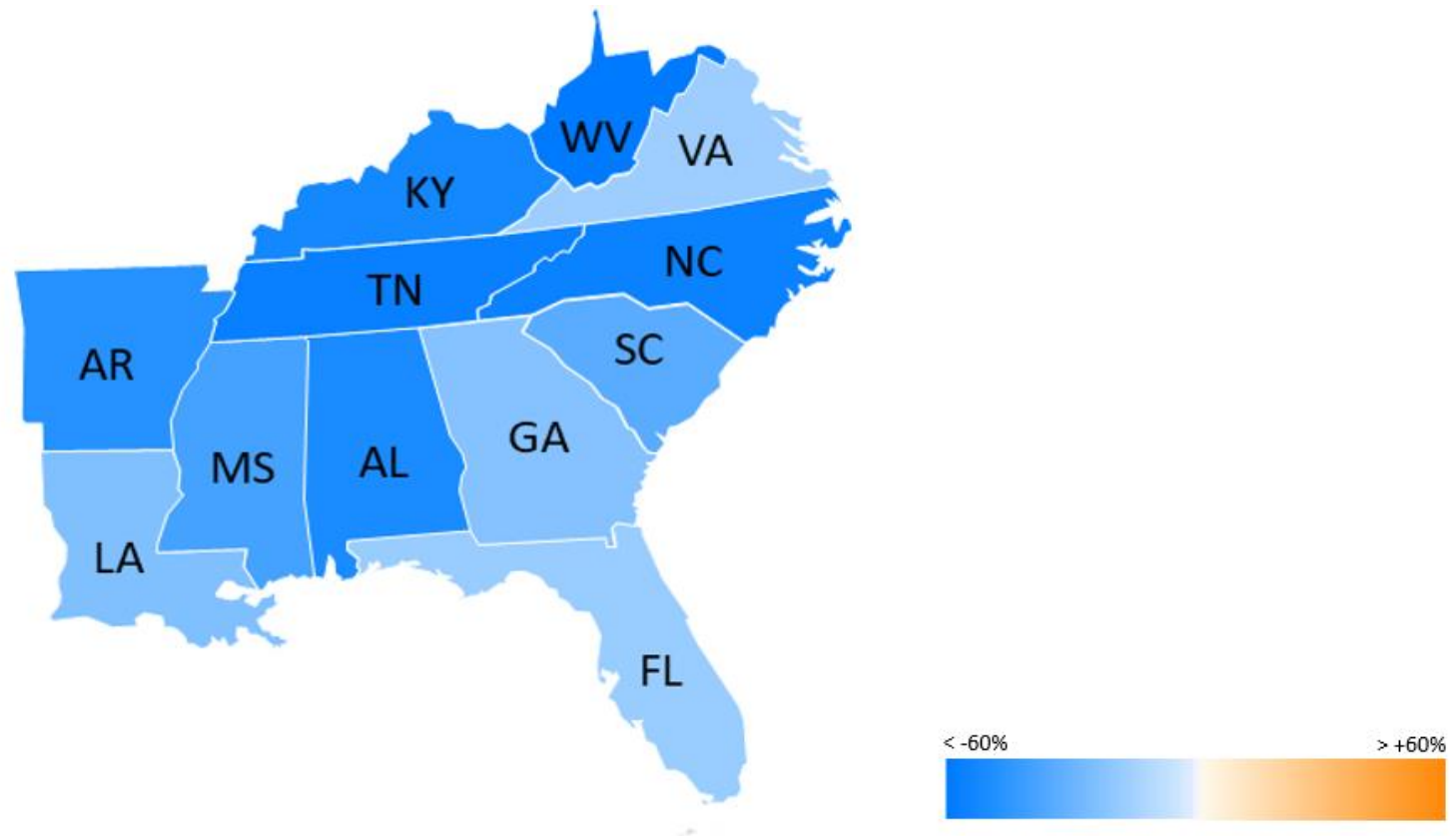


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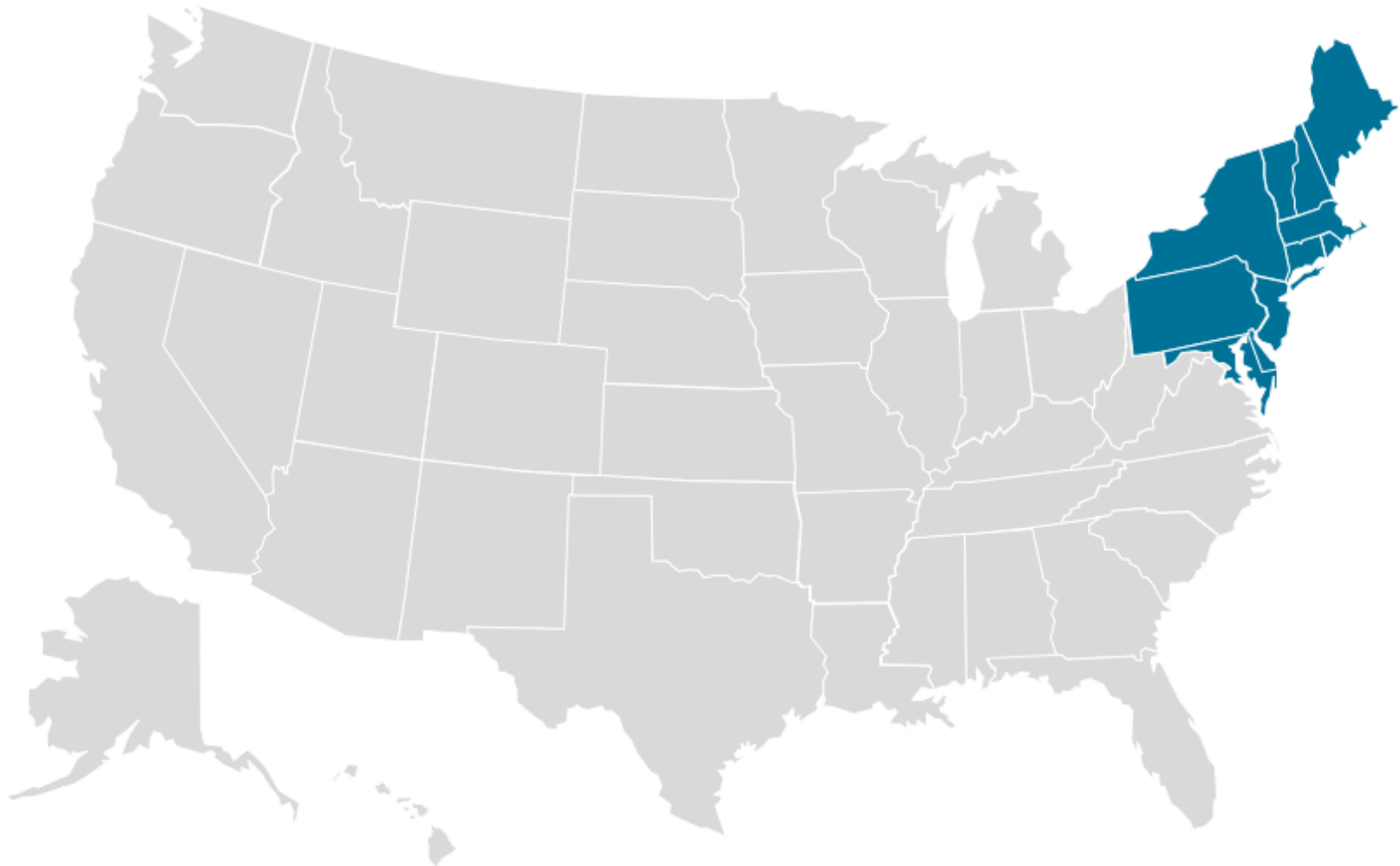
SOUTHEASTERN ZONE

Cumulative Premium Level Change Since 2011*





NORTHEASTERN ZONE





NORTHEASTERN ZONE

The Northeastern Zone includes the following jurisdictions: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

New Administrators

Rhode Island—Matthew Weldon, Director, Department of Labor and Training

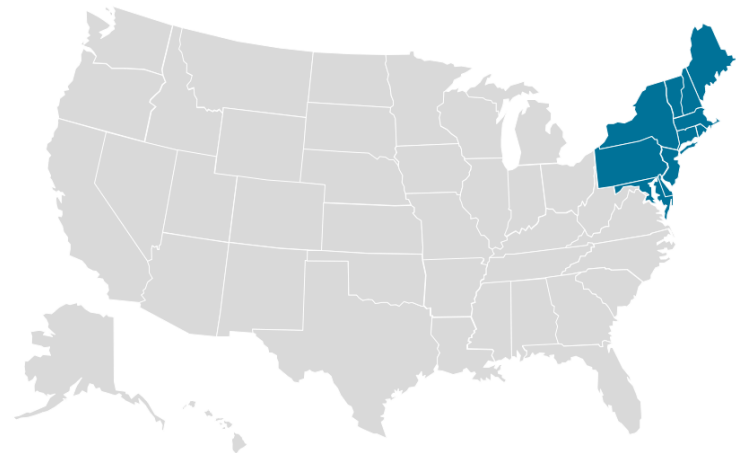
Highlights From the Northeastern Zone

This year, 3 jurisdictions in the Northeastern Zone enacted legislation addressing workers compensation and COVID-19. Vermont enacted legislation (S 9) extending workers compensation COVID-19 presumption provisions for an employee receiving a positive diagnosis or test to “30 days following the termination of the state of emergency.” The District of Columbia passed measures to add contraction of COVID-19 in the course and scope of employment to the definition of “injury” under the workers compensation law.

In addition, Connecticut passed legislation (SB 660) expanding workers compensation benefits for certain mental or emotional impairments for healthcare workers who suffered injuries related to treating individuals with COVID-19.

Two states in the Northeastern Zone (Connecticut and New York) enacted legislation to legalize recreational marijuana. There was also activity in New Jersey following an approved ballot measure to legalize recreational marijuana in 2020. The 2020 New Jersey ballot measure required legislation to become official and New Jersey enacted that legislation earlier this year.

Other states, including Pennsylvania and Rhode Island, considered or are considering legalizing the recreational use of marijuana this year.

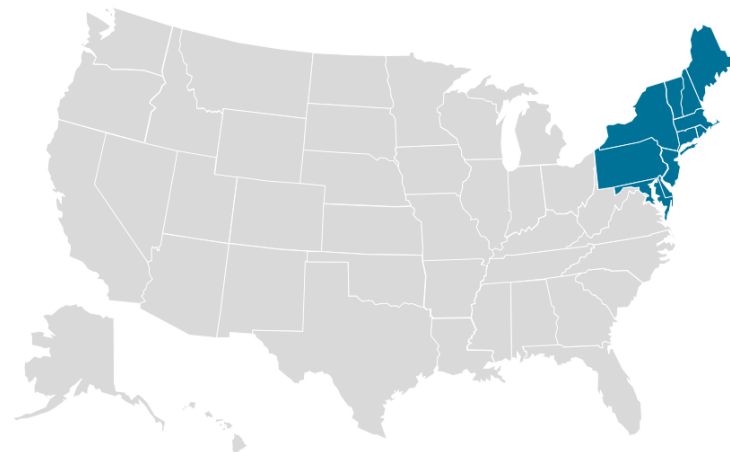


On the judicial side, several states in the Northeastern Zone addressed the issue of reimbursement for medical marijuana in workers compensation. The highest courts in New Hampshire and New Jersey ruled that reimbursement is allowed, while a New York appellate court ruled that reimbursement is required. In late 2020, the highest court in Massachusetts ruled that insurer reimbursement for medical marijuana cannot be required.

Maine enacted legislation (LD 1045) to establish a single-payer health insurance program in the state if federal law is enacted that authorizes a state to obtain a waiver to establish a state-based universal healthcare plan and to receive federal funding for that plan. The proposed Maine bill contained language applicable to workers compensation, but that language was amended out of the bill before it passed.

Recently Enacted Workers Compensation-Related Legislation in the Northeastern Zone

- Connecticut
 - **SB 141—Cancer Relief Benefits for Firefighters**
Establishes a task force to study cancer relief benefits for firefighters.
 - **SB 660—Mental Injuries and COVID-19**
Expands workers compensation benefits for certain mental or emotional impairments suffered by healthcare providers related to treating individuals with COVID-19.
 - **SB 1202—Burial Expenses**
Prohibits employers from deliberately misinforming employees about or dissuading them from filing a claim for benefits from workers compensation or, on or after October 1, 2021, a claim for payment of benefits from the Connecticut Essential Workers COVID-19 Assistance Fund. Increases the workers compensation benefit for burial expenses from \$4,000 to \$12,000, with future annual adjustments for inflation.





■ District of Columbia

■ **B24-0058—COVID-19 and Definition of Injury**

Adds contraction of COVID-19 in the course and scope of employment to the definition of “injury” under the workers compensation law.

■ **B24-0059—COVID-19 and Definition of Injury**

Adds contraction of COVID-19 in the course and scope of employment to the definition of “injury” under the workers compensation law.

■ Maine

■ **LD 213—Female Firefighters**

Requires workers compensation coverage for female firefighters facing reproductive system cancer.

■ **LD 467—Post-Traumatic Stress Disorder**

Allows emergency dispatchers and corrections officers diagnosed with post-traumatic stress disorder to receive workers compensation benefits.

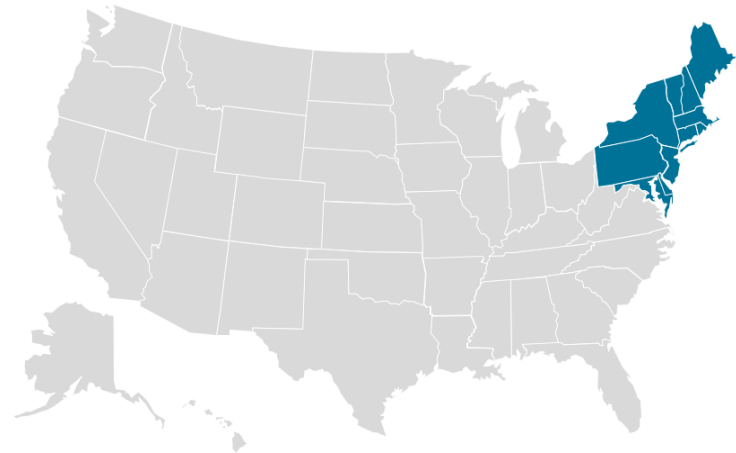
■ Maryland

■ **HB 85/SB 651—Correctional and Detention Officers**

Provides for enhanced workers compensation benefits for a Baltimore County correctional officer and a Baltimore County detention officer for a compensable permanent partial disability of less than a certain number of weeks.

■ **HB 989/SB 714—Study on Emergency Specialists and Job-Related Trauma**

Requires the University System of Maryland, in consultation with the Workers’ Compensation Commission and the Maryland 9-1-1 Board, to study the state’s workers compensation laws and the effects of job-related audible or visual trauma experienced by 9-1-1 specialists.





■ New Hampshire

■ **HB 385—Extends Firefighter Heart/Lung Disease Presumption**

Extends to age 70 the benefits from the presumption that heart or lung disease is occupationally related for firefighters.

■ **SB 142—Post-Traumatic Stress Disorder**

Reestablishes the commission to study the incidence of post-traumatic stress disorder in first responders.

■ New Jersey

■ **A 5890—Independent Contractors**

Concerns enforcement of employee misclassification and stop-work order laws.

■ **A 5892—Independent Contractors**

Streamlines identification of employee misclassification.

■ **S 2476—Supplemental Benefits for COVID-19**

Concerns certain workers compensation supplemental benefits for surviving dependents of essential employees who die in the course of employment.

■ New York

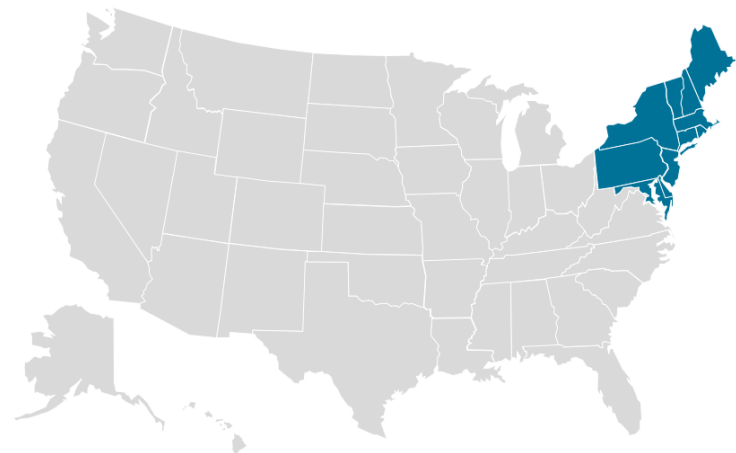
■ **S 854—Marijuana Legalization**

Legalizes the possession and use of marijuana for adults over 21. Provides that employees who use medical marijuana are afforded the same rights, procedures, and protections available to injured workers under the workers compensation law when such injured workers are prescribed medications that may prohibit, restrict, or require the modification of the performance of their duties.

■ Rhode Island

■ **HB 6376/SB 937—Benefit Formula**

Establishes a new formula for determining totally and partially disabled injured workers' weekly benefit entitlement.





■ Vermont

■ **S 9—Extension of COVID-19 Presumption**

Extends workers compensation COVID-19 presumption provisions for an employee receiving a positive diagnosis or test to “30 days following the termination of the state of emergency.”

Workers Compensation Judicial Decisions of Interest

■ Massachusetts—Marijuana Reimbursement in Workers Compensation

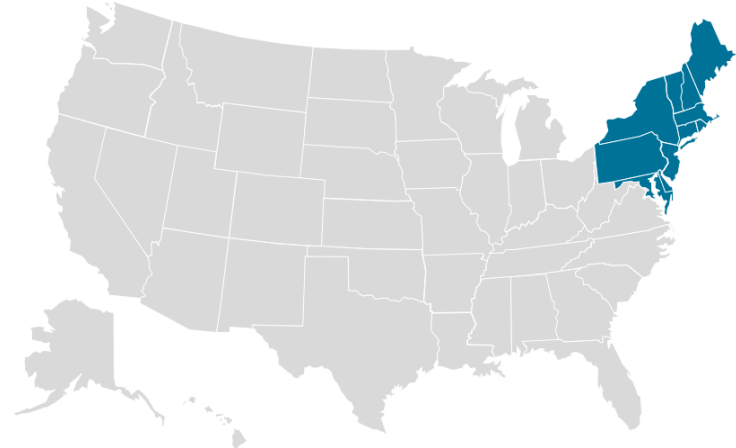
- *Wright’s Case* (Massachusetts Supreme Judicial Court, October 2020): Held that a workers compensation insurer cannot be required to reimburse a claimant for medical marijuana expenses as a necessary and reasonable medical treatment.

■ New Hampshire—Marijuana Reimbursement in Workers Compensation

- *Appeal of Andrew Panaggio* (New Hampshire Supreme Court, March 2021): Held, as an issue of first impression, that the federal Controlled Substances Act does not preempt the New Hampshire Compensation Appeals Board from ordering an insurer to reimburse a claimant for medical marijuana expenses incurred as a workers compensation treatment.

■ New Jersey—Marijuana Reimbursement in Workers Compensation

- *Hager v. M&K Construction* (New Jersey Supreme Court, April 2021): Affirmed an appellate court decision that an employer can be ordered by a workers compensation court to reimburse a claimant for reasonable costs related to prescribed medical marijuana as a workers compensation treatment.





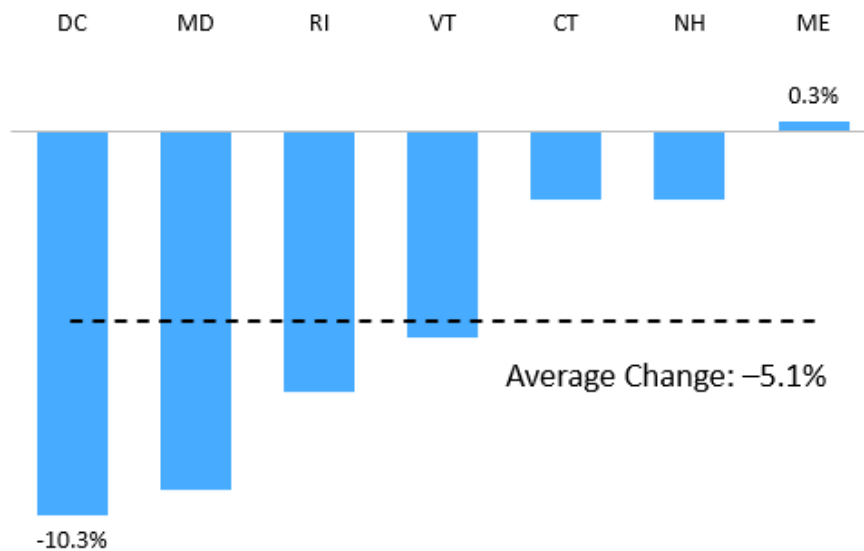
- New York—Marijuana Reimbursement in Workers Compensation
 - *Matter of Quigley v. Village of E. Aurora* (New York Supreme Court Appellate Division, February 2021): Held that an employer/workers compensation carrier was required to reimburse a claimant’s medical marijuana use as a workers compensation treatment under New York’s medical marijuana law.
- New York—COVID-19
 - *NYS Department of Corrections* (New York Workers’ Compensation Board, March 2021): Found that a claimant failed to establish that his contraction of COVID-19 was an accident that arose out of his employment as a correctional officer.



NORTHEASTERN ZONE

Latest Approved Loss Cost/Rate Changes

NCCI States
Based on the 2020–2021 Rate Filing Season*



*Refer to the endnotes

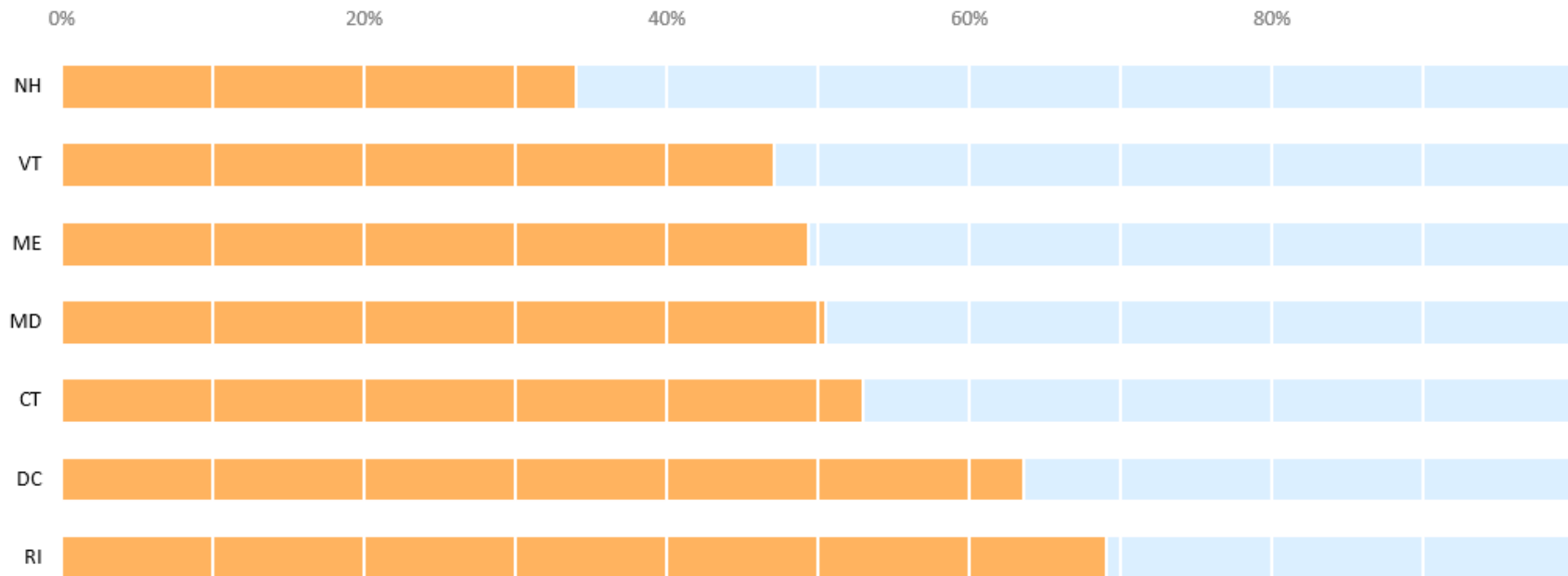


NORTHEASTERN ZONE

Percentage of Total Benefit Costs

Indemnity vs Medical

NCCI States
Based on the 2020–2021 Rate Filing Season*

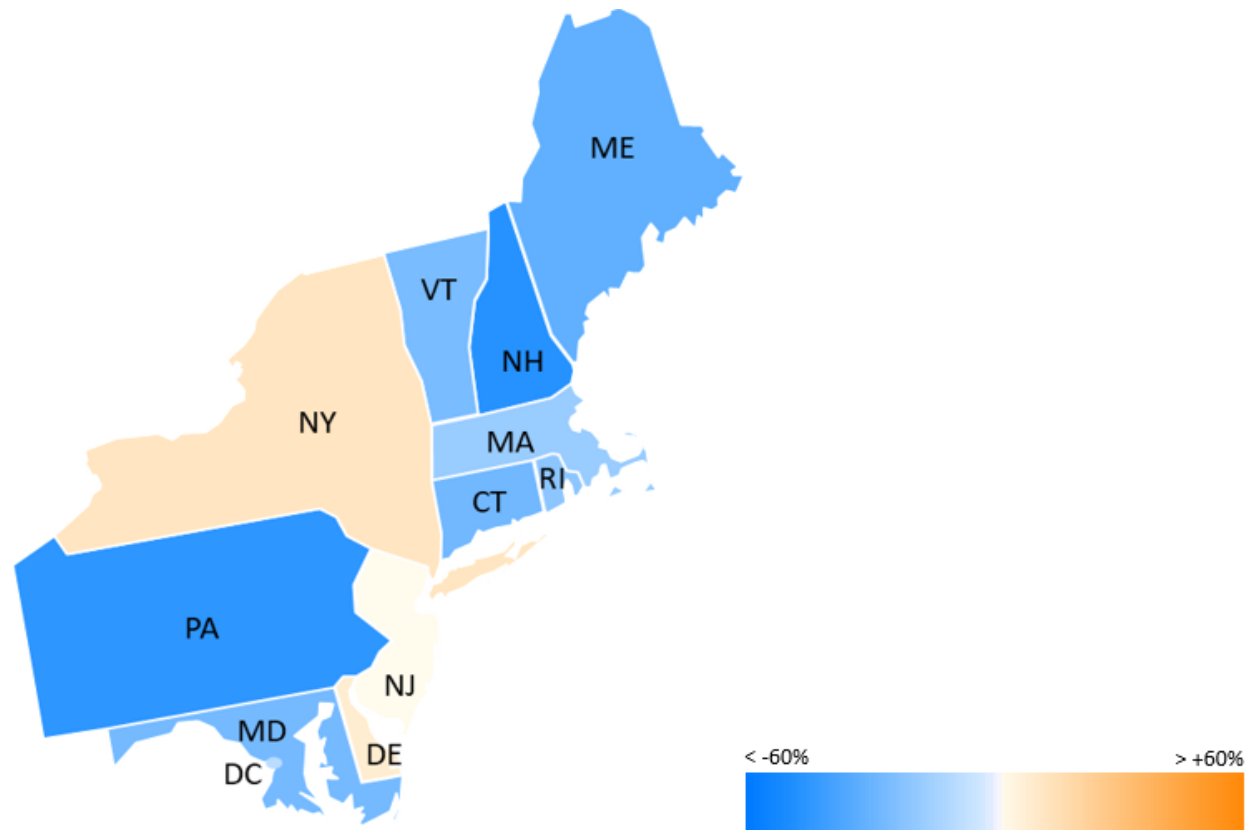


*Refer to the endnotes



NORTHEASTERN ZONE

Cumulative Premium Level Change Since 2011*



*Refer to the endnotes



LEGISLATIVE ACTIVITY ONLINE RESOURCE

Legislative Activity

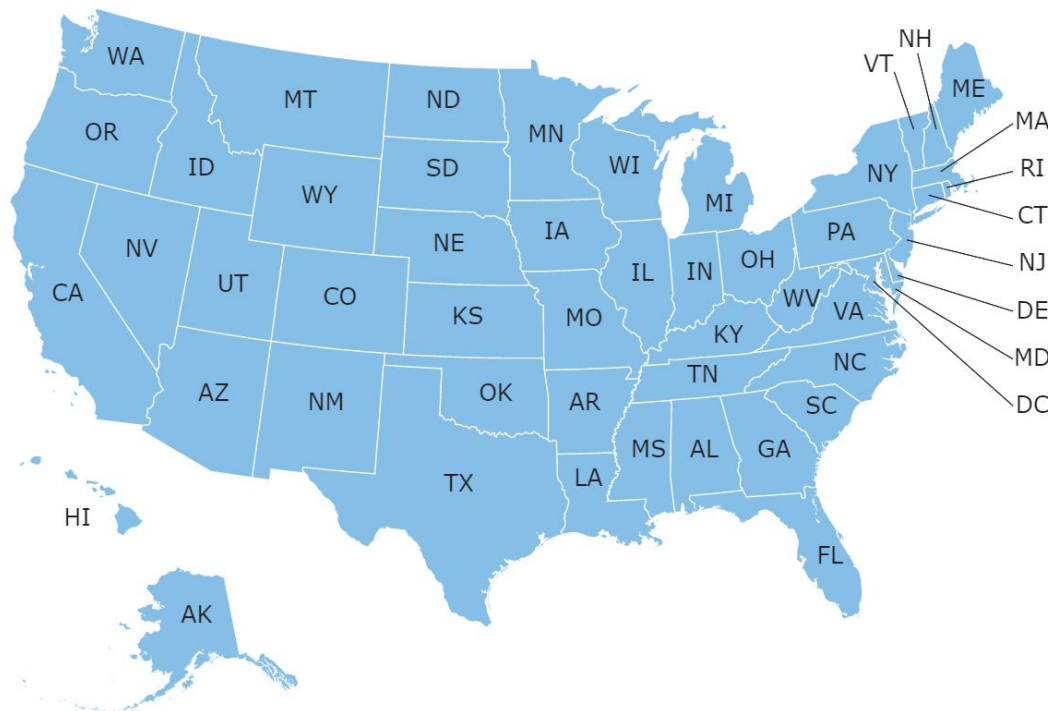


As part of our efforts to provide information on workers compensation legislative activity, NCCI identifies and monitors relevant workers compensation-related bills in all jurisdictions and the federal government.

In addition, one of NCCI's core services is providing cost analyses of proposed legislation. Completed NCCI cost analyses of enacted legislation are available for jurisdictions where NCCI provides ratemaking services.

You can access these bills and cost analysis through the interactive map below by clicking on any specific jurisdiction.

Click here to see items for [Federal](#).



WHAT'S TRENDING

Enacted NY SB 6196—Relates to allowing the state insurance fund to enter into agreements with private insurance providers to cover out-of-state work

Enacted NH SB 142—Relates to reestablishing the commission to study the incidence of post-traumatic stress disorder in first responders

To Governor IL HB 3662--Relates to workers compensation presumption for contagious staph infections for certain first responders

In Senate Committee MI HB 4822 - Relates to workers compensation presumption for COVID-19 for certain first responders



LEGISLATIVE ACTIVITY ONLINE RESOURCE—STATE PAGE EXAMPLE

Connecticut—Legislative Activity



[Industry Information](#) » [Legislative Activity](#)

NCCI's Legislative Activity Page is provided "As Is", solely as a reference tool to be used for informational purposes only. This page contains summaries of various workers compensation related bills as initially drafted, which are subject to change and frequently do. The end user is responsible for ensuring the accuracy of the information contained herein prior to use for any purpose. The information on this page shall not be construed or interpreted as providing legal or any other advice.

BILL STATUS

SB 141 - Enacted

Last Modified: 7/14/2021

Establishes a task force to study cancer relief benefits for firefighters.

SB 660 - Enacted

Last Modified: 7/1/2021

Expands workers compensation benefits for certain mental or emotional impairments suffered by health care providers in connection with COVID-19.

SB 1059 - Vetoed

Last Modified: 7/1/2021

In part, provides training and certain workers compensation benefits to correction officers.

COST IMPACT ANALYSIS

Content Requires Authentication

Connecticut Practitioners Fee Schedule (PDF)—Added on 08/04/21

Connecticut Medical Fee Schedule (PDF)—Updated on 02/01/21



NCCI'S COVID-19 RESOURCE CENTER

COVID-19 and Workers Compensation: What You Need to Know RESOURCE CENTER

FREQUENTLY ASKED QUESTIONS

COVID-19 and Workers Compensation: What You Need to Know - Frequently Asked Questions

April 05, 2021

This updated article addresses stakeholder questions regarding COVID-19 and the impact it may have on the workers compensation industry.

REGULATORY, LEGISLATIVE & LEGAL

2021 COVID-19 Regulatory and Legislative Activity (PDF) – Updated

August 09, 2021

This report includes key 2021 COVID-19 related legislation, regulations, bulletins, executive orders and other relevant activity.

Legislative Activity – Updated

August 9, 2021

Legislative Activity is an online resource for viewing relevant workers compensation-related bills that NCCI monitors for all jurisdictions and the federal government. This important resource includes real-time COVID-19 legislative information.

2021 State Activity: COVID-19 WC Presumptions (PDF) – Updated

August 04, 2021

This report includes state regulatory and legislative activity related to 2021 COVID-19 workers compensation compensability presumptions.

COVID-19 Court Cases

June 14, 2021

This interactive report provides an overview of COVID-19 related state and federal cases with potential implications for workers compensation insurance.

Court Case Update, Idaho - May 2021

May 10, 2021

The Idaho Supreme Court ruled, as a matter of first impression, that delivery services ancillary to a contract for sale of goods do not automatically create statutory employer relations in WC.

WHAT'S NEW

[Is There a Labor Shortage?](#)

[Quarterly Economics Briefing—Q2 2021](#)

[Medical Indicators and Trends Dashboard](#)

[2021-2022 Rate Filing Season: What You Need to Know](#)

[Workers Compensation: Lessons Learned From the Pandemic](#)

[COVID-19 and Workers Compensation - What We Know Now](#)



Questions or Comments?
[Click Here](#)



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REGULATORY & LEGISLATIVE

LEGAL

ECONOMIC & FINANCIAL

WHAT'S TRENDING

Examining PTSD - What's the Impact on Future Workers Compensation Costs

2021 Marijuana Legalization Update: Five Things You Need to Know

Court Case Update, Federal - August 2021

Is There a Labor Shortage?

Medical Indicators and Trends Dashboard

Topic

☐ Automation

☐ COVID-19

☐ Court Cases

☐ Economics

☐ Financial

☐ Indemnity

☐ Industry

☐ Labor Market

☐ Marijuana

☐ Medical

☐ Opioids

☐ Prescription Drugs

☐ QEB

☐ Success Stories

☐ Transportation

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Format

☐ Article

☐ PDF

Is There a Labor Shortage?

By Francesco Renna, Patrick Coate
August 11, 2021

As the economy recovers from the COVID recession, employers are finding it difficult to hire workers. This report analyzes labor shortages—what they are, key drivers, and possible outcomes.

Court Case Update, Federal - August 2021

By NCCI Insights
August 10, 2021

The federal Court of Appeals for the Fifth Circuit ruled that the federal Airline Deregulation Act expressly preempts the Texas Workers Compensation Act regulating of price restrictions as applied to the reimbursement of air ambulance providers.

Quarterly Economics Briefing - Q2 2021

By Len Herk
August 06, 2021

The US economy added jobs steadily during the second quarter. As economic recovery continues, the pace of recovery is slowing and industry-specific differences are becoming more prominent.

COVID-19 and Workers Compensation
RESOURCE CENTER

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Tweets by @NCCI

Meet NCCI experts Dawn Ingham and Carla Townsend at the Atlanta Chapter of the CPCU Society's (@AtlantaCPCU) virtual I-Day. They will be discussing the current state of #workerscomp. #NCCISpeaks



ENDNOTES

Loss Cost/Rate Changes by Zone

Source: NCCI financial data evaluated as of December 31, 2019.

The 2020–2021 Rate Filing Season refers to experience filings with effective dates between November 1, 2020 and August 1, 2021.

The average loss cost/rate level change for each zone reflects an unweighted average of the respective state-specific approved changes in voluntary market loss costs/rates. The changes for Arizona, Florida, Idaho, Illinois, Indiana, and Iowa reflect approved changes in voluntary rates.

North Carolina and Indiana are independent bureau states where NCCI provides services.

Percentage of Total Benefit Costs by Zone

Source: NCCI financial data evaluated as of December 31, 2019.

The 2020–2021 Rate Filing Season refers to experience filings with effective dates between November 1, 2020 and August 1, 2021.

North Carolina and Indiana are independent bureau states where NCCI provides services.

Cumulative Premium Level Change by Zone Since 2011

Source: NCCI's 2021 *Annual Statistical Bulletin*, Exhibit 2, updated to include all voluntary market experience and law-only premium level changes approved as of June 30, 2021, with effective dates of January 1, 2011, and subsequent.

Excludes monopolistic states.

The premium level changes from Exhibit 2 are attributed solely to the revision of loss costs/rates and rating values, assuming all other variables that may affect premium level, such as payroll, remain equal.



APPENDIX

Below is a list of references for additional information on **ncci.com**.

- **Legislative Activity** Page
ncci.com/Articles/Pages/II_LegislativeActivity.aspx
- COVID-19 and Workers Compensation Resource Center
ncci.com/Articles/Pages/COVID-19.aspx
- **Court Case Insights**
ncci.com/articles/pages/Court-Case-Insights.aspx
- Frequency and Severity: Frequency and Severity Results by State
ncci.com/Articles/Pages/II_Frequency-Severity.aspx
- Summary of Voluntary Loss Cost/Rate Filing Information by State*
ncci.com/Articles/Pages/II_Voluntary_LossCost_RateFiling_Information.aspx
- **Underwriting Results by State**
ncci.com/Articles/Pages/II_Underwriting_Results_by_State.aspx
- **Residual Market Management Summary**
ncci.com/Articles/Pages/RM_ResidualMarketManagementSummary.aspx
- **Residual Market State Activity Reports**
ncci.com/Articles/Pages/RM_ResidualMarketStateActivityReports.aspx
- **State Insight***
ncci.com/ServicesTools/Pages/STATEINSIGHT.aspx
- **State Advisory On Demand**
ncci.com/Articles/Pages/II_StateAdvisoryForums.aspx
- Circulars*
ncci.com/ServicesTools/Pages/CIRCULARS.aspx

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