

Approved April 10, 1992
Date

MINUTES OF THE Senate COMMITTEE ON Labor, Industry and Small Business

The meeting was called to order by Alicia L. Salisbury at
Chairperson

1:30 ~~xxx~~/p.m. on April 1, 1992 in room 254-E of the Capitol.

All members were present except:

Members present were: Senators Daniels, Ehrlich, Feleciano, Martin, Morris, Oleen, Petty, Salisbury, Sallee, Strick and Thiessen

Committee staff present:

Gordon Self, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

SB 666 - Workers compensation, accidental injuries, defenses, limits, exclusions procedures, impairment and administrative appeal panels

William Morrissey, Director, Workers Compensation, Department of Human Resources, reviewed new Sec. 13, on vocational rehabilitation. He informed the Committee that presently if an injured worker is off work 90 days he is automatically referred to a vocational rehabilitation vender. The proposal which has received agreement of the House Labor and Industry Committee requires the injured worker to apply for vocational rehabilitation. Referral to a vocational rehabilitation vender is granted by the Vocational Rehabilitation Administrator if it appears that: 1) the employee suffered an injury or occupational disease which is compensable under the Workers Compensation Act; 2) the employee has reached a maximum medical improvement and suffers from permanent physical or mental limitations caused by the injury or disease; 3) the limitations render the employee unable to perform work for the same employer at a comparable wage with or without reasonable accommodations; and 4) the employer has not offered the employee a specific job which reasonably accommodates the employee's limitations and which pays a comparable wage. The vocational rehabilitation vender is charged to work with the employer to effect the reemployment of the employee. If reemployment is not accomplished then the employee is referred to the Kansas Vocational Rehabilitation Center of Social Rehabilitation Services for an evaluation to determine what skills they have and what can be done to put the person to work. The evaluation is given to the vocational rehabilitation vender. The vocational rehabilitation vender prepares a plan of rehabilitation to either do 12 weeks of job placement or create a plan of training to enable the injured person to return to work, as nearly as practical, to a job with comparable wages. Under this plan the employer furnishes the injured worker three vocational rehabilitation venders to select from. The Director of Workers Compensation can set a schedule of fees for vocational rehabilitation venders and prepare a utilization schedule for what kind of services they can provide.

In answer to Committee questions, Mr. Morrissey replied the carrier would reimburse KVRC for their services. In regard to the location of the vocational rehabilitation vender, Mr. Morrissey said the vender should be located as near as possible to the injured worker.

Upon request of Senator Petty, the Chairman placed the question of initial choice of health care provider before the Committee. Senator Petty moved to recommend HB 2196 favorable for passage. Senator Feleciano seconded the motion.

Senator Feleciano moved to amend the motion to limit the choice of physician to the state of Kansas. The motion was seconded by Senator Martin. The motion failed.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Labor, Industry and Small Business,
room 254-E, Statehouse, at 1:30 ~~xxx~~/p.m. on April 1, 1992

Senator Martin moved and Senator Petty seconded to adopt revisor's technical amendments to HB 2196. The motion passed.

The Committee voted on the motion to recommend favorably **HB 2196**, as amended. The motion failed on a vote of 6 to 5.

The Committee reviewed proposed amendments to **SB 666**. In regard to the definition of accidental injury, the Chairman said the final sentence in Sec. 5(d) was struck because she felt the language was unnecessary and had raised some questions.

The Committee meeting recessed at 2:30 until adjournment of the Senate.

The Committee meeting reconvened at 4:30 p.m. to review the balance of proposed amendments to **SB 666**.

The Committee briefly discussed RS 2741, the Administrative Appeal Panel. RS 2741 establishes the workers compensation board. The board shall have exclusive jurisdiction to review all decisions, findings, orders and awards of compensation of administrative law judges under the workers compensation act and all decisions, findings, orders and awards of the Director under the Workers Compensation Act. Appeal to an administrative panel of three attorneys nominated by the KCCI and the AFL-CIO would replace current appeals to the Director of Workers Compensation and District Court. The Chairman explained the Committee would need to adopt RS 2741 if they wished to enact an Administrative Appeal Panel.

The Committee meeting was adjourned at 5:30 p.m.

