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## Testimony

**To:** Senate Commerce Committee  
**From:** Anton C. Andersen, Kansas Self-Insurers Association  
**Re:** S.B. 73  
**Date:** February 4, 2013

Ms. Chairman, members of the Committee, thank you for the opportunity to appear today. My name is Tony Andersen, and I am here in my role as a member of the board of directors of the Kansas Self-Insurers Association, or KSIA. I am an attorney in private practice at the firm of McAnany, Van Cleave & Phillips and have focused most of my career on workers' compensation law.

KSIA stands in support of S.B. 73. KSIA believes the reference to be utilized to determine permanent impairment should be updated to the most current version of the American Medical Association Guides to Evaluation of Permanent Impairment. Currently, Kansas uses the Fourth Edition of AMA Guides. It was first published in 1993. It was modified in 1994. The AMA Guides Fourth Edition has been superseded by the AMA Fifth and Sixth Editions. The current version was first published in 2007. It is KSIA's position that the most recent version of the AMA Guides should be used to take into account advances in the medical sciences in the past 20 years, clarify definitions in the AMA Guides and provide reliable and consistent ratings.

S.B. 73 also reinforces the legislature's intent on the treatment under the act of undocumented workers. Prior to May 15, 2011, undocumented workers were eligible for enhanced benefits based on wage loss even though the undocumented worker was, by Federal law, unable to return work. The proposed changes under S.B. 73 reinforce the 2011 legislature's intent to restrict enhanced benefits in the case of undocumented workers.

Finally, S.B. 73 provides more direction on recusal issues in workers' compensation matters. As proposed, a party may request the administrative law judge to recuse him or herself. If the judge chooses not to do so, the party may appeal to the Kansas Workers' Compensation Appeals Board. Should the party be dissatisfied with the decision of the Appeals Board, the Order could be appealed to the Kansas Court Of Appeals. These changes would put recusal decisions in line with the procedure for regular cases handled under the Workers' Compensation Act.

The remaining changes in the Act are acceptable to KSIA. We ask the Committee to pass S.B. 73 as proposed.