

February 22, 2022

The Honorable Sean Tarwater, Chairperson
House Committee on Commerce, Labor and Economic Development
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Representative Tarwater:

SUBJECT: Fiscal Note for HB 2704 by House Committee on Commerce, Labor and Economic Development

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2704 is respectfully submitted to your committee.

HB 2704 would specify that an employer or the employer's insurance carrier would not be required to notify an injured worker of any change or termination of medical or disability benefits for a workers compensation injury. The employer or insurance carrier would not be prohibited from making notification at their discretion. The bill would also establish that an employee's patient privilege would be waived for certain medical records when they file a workers compensation claim. All related treatment records would be required to be provided to the employer or insurance carrier without any medical release. Employers and insurance carriers would be able to communicate with healthcare providers without notice to the employee and communications would not need to be memorialized, though they could be at the employer or insurance carrier's discretion.

The bill would specify that costs associated with post award motions do not include costs incurred by a claimant for an expert opinion or expert testimony. For purposes of calculating an employee's average weekly wage, the bill would require that any week an employee worked for any part of such week be considered a week of actual employment. In cases of dispute as to the injury, when a medical examination is ordered by the Director of Workers Compensation, the bill would require the Director, prior to the examination, to communicate in writing to the examining provider the medical questions to be answered by the provider that may be applicable to the case.

The Kansas Department of Labor, the Kansas Department of Administration, and the Kansas Insurance Department state that enactment of HB 2704 would not result in any fiscal effect on the operations of any of the respective agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Dawn Palmberg, Department of Labor
Celeste Chaney-Tucker, Department of Administration
Bobbi Mariani, Insurance