

2021 Workforce Safety & Insurance (WSI) Legislative Quick Guide (as of 5/3/2021)

HB 1021 (Eng. w/ Senate Amendments): WSI Appropriations Bill (Introduced by Appropriations Committee)

House App Vote: DP 20-0 Amended House Vote: 87-7

Senate App Vote: DP 14-0 Amended Senate Vote: 44-3

Conference Committee: Passed House 90-2, Passed Senate 44-3

Signed by Governor: 4/28/2021

- Provides a WSI appropriation of \$73,186,928 and FTE authority for 260.14 FTEs for the 2021-23 biennium.

HB 1040: WSI Appeal Timeframes [WSI Board Neutral]

(Interim Legislative Workers' Compensation Review Committee Bill)

House IBL Vote: DP 14-0 House Vote: 89-0

Senate IBL Vote: DP 6-0 Senate Vote: 46-0

Signed by Governor: 3/9/2021

- Extends injured worker and employer appeal timeframes from 30 to 45 days after a notice of decision or administrative order has been issued.

Fiscal impact: No significant impact to premium rate and reserve levels is anticipated.

HB 1051 (Eng. w/ Emergency Clause): WSI Employer Services Bill [WSI Board Supports] (WSI Agency Bill)

House IBL Vote: DP 14-0 Amended House Vote: 92-0

Senate IBL Vote: DP 6-0 Senate Vote: 47-0

Signed by Governor: 3/15/2021

- Provides for payment of attorney fees for an employer involved in a jurisdictional dispute in another state when WSI determines the employer did not have significant contacts in that other state.
- Establishes a continuing appropriation for the payment of fees associated with credit and debit card payments made to the organization.
- Provides explicit authority for the settlement of premium disputes.
- Clarifies the application of premium audit findings.
- Permits WSI to retain counsel on both a contingent and hourly basis for work on WSI litigation.

Fiscal impact: No significant impact to premium rate levels is anticipated.

HB 1084: WSI Injury Services Bill [WSI Board Supports] (WSI Agency Bill)

House IBL Vote: DP 14-0 House Vote: 91-2

Senate IBL Vote: DP 6-0 Senate Vote: 44-3

Signed by Governor: 3/9/2021

- Provides that a compensable injury does not include injuries caused by the use of recreational marijuana.
- Establishes a fee structure for outgoing file copies.
- Further defines what constitutes an employer and/or an injured worker willful misrepresentation.
- Requires an injured worker to meet the requirements of a reapplication for benefits following an unjustified limitation or refusal of employment.
- Provides WSI a communication mode with relevant parties in the event of a deceased or incapacitated injured worker absent a signed release.
- Provides clean-up changes to create consistent language throughout Title 65 regarding the definition of average weekly wage.
- Requires injured workers that have completed a rehabilitation program that have established a significant change in medical condition to sustain an actual wage loss to be eligible for further retraining or disability benefits.

Fiscal impact: No significant impact to premium rate and reserve levels is anticipated.

HB 1139: Duration-Dosing Limits for Certain Drug Therapies [WSI Board Supports]

Sponsors: Rep. Keiser, Sen. Klein

House IBL Vote: DP 12-1

House Vote: 64-26

Senate IBL Vote: DP 5-1

Senate Vote: 38-8

Signed by Governor: 3/31/2021

- Establishes duration limits and maximum payable dosing limits for opioid therapies.
- Establishes duration limits for benzodiazepines.
- Outlines dispute resolution process for requests to depart from the limits proposed.

Fiscal impact: To the extent there are improved return-to-work and medical outcomes resulting from the duration/dosing limitations for the identified drug therapies, there would be anticipated cost reductions which would be reflected in subsequent premium rate levels.

SB 2148 (Eng.): Adds Physical Therapists to Definition of Healthcare Provider [WSI Board Supports]

Sponsors: Senators Burkhard, Bekkedahl, Oban; Reps. D. Anderson, Dobervich, Paur

Senate Human Services Vote: DP 5-0 Amended

Senate Vote: 47-0

House Human Services Vote: DP 10-3

House Vote: 90-1

Signed by Governor: 3/29/2021

- Adds physical therapists to definition of healthcare provider.

Fiscal impact: No fiscal impact is anticipated.

Failed Bills

HB 1271: Mental-Mental/Employer Immunity as it Relates to COVID-19 [WSI Board Opposes]

Sponsors: Reps M. Nelson, Adams, Ista, Schneider; Sen. Matthern

House IBL Vote: DNP 11-2

House Vote: 14-79

- Provides that a mental injury arising from a mental stimulus is compensable.
- Establishes an employer immunity provision as it relates to COVID-19.

Fiscal impact: Not quantifiable. Anticipate significant impact to rate and reserve levels.

HB 1408: Definition of Wages [WSI Board Opposes]

Sponsors: Reps Boschee, Hanson; Sen. Piepkorn

House IBL Vote: DNP 12-1 House Vote: 15-79

- Amends the definition of wages for benefit calculation purposes to include employer paid health insurance premiums and retirement contributions.

Fiscal impact: Not quantifiable.

HB 1433: Definition of Essential Workers and COVID-19 Coverage [WSI Board Opposes]

Sponsors: Reps Ista, Adams, P. Anderson, Boschee, Dobervich, Guggisberg, Hager, Schneider; Sens. Bakke, Hogan

House IBL Vote: DNP 12-2 House Vote: 16-77

- Defines essential workers and outlines the parameters for COVID-19 coverage.

Fiscal impact: It is estimated that the additional benefit cost through July 31, 2023 of HB 1433 is in the range of \$40,000,000 to \$85,000,000. It should be noted that there is considerable uncertainty in these estimates. It is entirely possible that, if HB 1433 is passed in its present form, the ultimate result could be outside this range.