KEY ELEMENTS IN CONSENSUS COMPREHENSIVE PACKAGE
RECOMMENDED TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE
BY THE LABOR-MANAGEMENT ADVISORY COUNCIL ON WORKER' COMPENSATION
REVISED FOR COORDINATION WITH DRAFT STATUTORY LANGUAGE FOR LMAC
JUNE 23, 2010

Provisions requiring legislative changes – **REFER TO DRAFT STATUTORY LANGUAGE DOCUMENT**

1. Course and scope language on breaks and recreational activities-
   Pg. 22, Section 15. 39-71-118(2) (a) & Pgs. 25-26, Section 16. 39-71-407(2)
2. Statutory closure of claims after 3 years with limited reopening provision-
   Pgs. 11-12, New Section 12 & Pg. 44, Section 26. 39-71-704(1)(f)
3. Allow settlement of future medical benefits-
   Pgs. 49-52, Section 29 - 39-71-741
4. Implement early Stay at Work/Return to Work program-
   Pgs. 1-11, New Sections 1, 2,4,5,7,8,9,10,11
5. Provide for Return to Work Assistance upon request of claimant-
   Pgs. 1-11, New Sections 1, 2,3,4,5,6,7,8,9,11
6. End TTD benefits at maximum healing & impairment rating-
   Pgs. 29-30, Section 18. 39-71-609 & Pgs. 33-34, Section 22. 39-71-701(1)
7. Begin PPD wage loss payment based on whether or not employee is back to work at full wage-
   Pgs. 15-17, Section 14. 39-71-116(13) & (24) & Pgs. 36-39, Section 24. 39-71-703
8. Remove need for employability assessment to determine PPD wage loss payments-
   Pgs. 15-17, Section 14. 39-71-116(13) & (24), Pgs. 36-39, Section 24. 39-71-703, and Pg. 52, Section 30. Repeal portions of Title 39, Chapter 71, Part 10
9. Codify the use of the 5th Edition of the AMA Guides to Impairment Ratings-
   Pg. 37, Section 24. 39-71-703 & Pgs. 47-48, Section 27. 39-71-711
10. Use impairment rating as a component for calculation of future wage loss payments-
    Pg. 12, Section 13. 39-71-105, Pg. 14, Section 14. 39-71-116, and Pgs. 37-38, Section 24. 39-71-703
11. Increase maximum weekly PPD rates to 75% of SAWW (now at 50%)-
    Pg. 38, Section 24. 39-71-703
12. Effective 7/1/2013 increase maximum weekly PPD rates to 100% of SAWW-
    Pgs. 39-43, Section 25. 39-71-703
13. Set a 14 day time frame for insurer to accept or deny a claim-
    Pg. 28, Section 17. 39-71-606
14. Provide retroactive payments for waiting period after 21 days of disability-
    Pgs. 48-49, Section 28. 39-71-736
15. Effective 7/1/2013 increase # of weeks for PPD benefits to 400 (now at 375)-
    Pgs. 39-40, Section 25. 39-71-703
16. Use employability assessment for determinations of requests for permanent total disability benefits-
    Pgs. 1-11, New Sections 1, 2,3,4,5,6,7,8,9,11 & Pg. 35, Section 23. 39-71-702(1)&(2)
17. Limited payment of attorney fees in medical only disputes-
    Pgs. 30-31, Section 19. 39-71-611, Pgs. 31-33, Section 20. 39-71-612, and Pg. 33, Section 21. 39-71-614

Provisions to be adopted by administrative rule

1. Set medical fee reimbursement rates at 150% of Medicare
2. Adopt utilization and treatment guidelines for treatment of injured workers

Other recommendations

1. Continue support for WorkSafeMT Foundation to reduce frequency and duration
2. Provide long term private and public funding to support WorkSafeMT efforts