

HB 2 – Proposed SCS/PSS1

Section 1 (Page 4): Medical Benefits

- Adds **partial amputation** of an arm, leg, **hand**, or foot to the list of injuries that would receive lifetime medical benefits and be exempted from the 15 year limit on PPD claims.

Section 1 (Page 6): Urine Drug Screens

- Clarifies that drug screens requested by the employer or carrier are not subject to the limits outlined in (13)(a).
- Adds “opioid substitutes” to provide broader application and better protection for employers.

Section 2 (Page 10): Medical Treatment Guidelines

- Changes the word “clinical practice” to “medical treatment” to ensure all medical treatment is subject to the treatment guidelines.

Section 5 (Page 16-17): Cumulative Trauma

- Clarifies when notice must be given in a cumulative trauma case to be consistent with current case law.

Section 6 (Page 18): Lump Sum Settlements

- Allows for voluntary lump sum settlements to be made at a greater discount for awards of \$40 or less per week.

Section 8 (Page 20): Occupational Diseases/Black Lung

- Clarifies that all physicians determining occupational disease claims are certified B-readers and pulmonary specialists licensed in KY.

Section 9 (Page 24): Occupational Diseases/Black Lung

- Clarifies that the ALJ, not the physician, should determine whether there was a valid spirometric test, and if not, suspend proceedings.

Section 9 (Page 25): Occupational Diseases/Black Lung

- Amended to be consistent with previous sections to ensure physicians conducting evaluations are both b-readers and pulmonary specialists licensed in KY.

Section 11 (Page 36): Voluntary Intoxication

- Creates a presumption that a voluntary intoxication was the cause of the injury and not compensable. Previously, the language flipped the burden of proof but since this is an affirmative defense it has been determined that a presumption is more beneficial.

Section 13 (Page 44): Parker vs. Webster

- Increases the age when indemnity benefits terminate to 70 years (*increased from 67 years*)

Section 13 (Page 45): Offsets

- Technical correction to clarify that the offsets are for employer funded benefits.

Section 17 (Page 56): Occupational Diseases/Black Lung

- Technical correction to be consistent with previous sections to ensure physicians conducting evaluations are both b-readers and pulmonary specialists licensed in KY.

Section 20 (Page 63): Enactment

- Clarifies the amount of indemnity benefits is not reduced and the duration of medical benefits is not limited pursuant to Sections 2,4,5, and (7) of Section 13 for any claims that have been fully and finally adjudicated.
- Clarifies the Parker v. Webster fix shall apply prospectively and retroactively.

Removed from HB 2 via SCS: One year employment requirement for filing an occupational disease claim.