

Workers' Comp continued - 4-21

It's pretty much a compromise bill that permits direct payment of attorneys for claimants; extends disability benefits from (the current) 104 to 260 weeks; allows a Judge of Compensation Claims (JCC) to award a *maximum \$150 per hour attorney fees*; changes the reimbursement rate for health care facilities to 200% (unscheduled care) and 160% (scheduled surgery) of Medicare (*the reduced reimbursement for outpatient services for hospitals and ambulatory surgical centers would significantly cost them*); and guarantees a workers' representative to a state panel that sets medical reimbursement rates; it specifies that workers are responsible for their own attorney fees, if they pursue baseless claims.

Meanwhile, the Senate version, [S 1582](#) by **Sen Bradley** includes several of the same terms but allows Judges of Compensation Claims (JCC) to award *attorneys' fees up to \$250 per hour* if they consider that justified. It would shift to a loss cost premium setting system whereby insurers would independently propose rates, instead of jointly through the National Council on Compensation Insurance, or NCCI, as happens now.

S 1582 was is now going to the Senate floor for a final vote. Bill sponsor Senator Bradley is willing to compromise with the house over conflicting language on attorney's fees and medical payments.

The Senate version is flexible with healthcare facilities which would shift treatment payments from the existing charge based system to a schedule tied to Medicare rates which would cost hospitals/surgical centers significantly.

Senate leaders expressed, "their intent was not to punish healthcare facilities and to have a 'serious discussion about attorneys' fees' with House leaders".

The *most significant difference is attorneys' fees* (*the Senate at \$250 per hour vs the House at \$150 per hour*). While the Senate version would produce a smaller decrease in premiums, the House version projects a minimum 5% decrease in premiums.