

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 291

Introduced by Nordquist, 7.

Read first time January 16, 2013

Committee:

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
2 amend section 48-125, Revised Statutes Cumulative
3 Supplement, 2012; to provide time limits and penalties
4 for late payment of medical payments; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-125, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 48-125 (1)(a) Except as hereinafter provided, all amounts
4 of compensation payable under the Nebraska Workers' Compensation Act
5 shall be payable periodically in accordance with the methods of
6 payment of wages of the employee at the time of the injury or death.
7 Such payments shall be sent directly to the person entitled to
8 compensation or his or her designated representative except as
9 otherwise provided in section 48-149.

10 (b) Fifty percent shall be added for waiting time for all
11 delinquent payments after thirty days' notice has been given of
12 disability or after thirty days from the entry of a final order,
13 award, or judgment of the Nebraska Workers' Compensation Court,
14 except that for any award or judgment against the state in excess of
15 one hundred thousand dollars which must be reviewed by the
16 Legislature as provided in section 48-1,102, fifty percent shall be
17 added for waiting time for delinquent payments thirty days after the
18 effective date of the legislative bill appropriating any funds
19 necessary to pay the portion of the award or judgment in excess of
20 one hundred thousand dollars.

21 (2) All medical payments payable under the Nebraska
22 Workers' Compensation Act shall be payable within thirty days after
23 notice has been given or within thirty days after the entry of a
24 final order, award, or judgment of the compensation court. If a
25 medical payment is delinquent by thirty days or more, fifty percent

1 shall be added to the amount payable and shall be paid to the
2 employee.

3 ~~(2)(a)~~ (3)(a) Whenever the employer refuses payment of
4 compensation or medical payments subject to section 48-120, or when
5 the employer neglects to pay compensation for thirty days after
6 injury or neglects to pay medical payments subject to such section
7 after thirty days' notice has been given of the obligation for
8 medical payments, and proceedings are held before the compensation
9 court, a reasonable attorney's fee shall be allowed the employee by
10 the compensation court in all cases when the employee receives an
11 award. Attorney's fees allowed shall not be deducted from the amounts
12 ordered to be paid for medical services nor shall attorney's fees be
13 charged to the medical providers.

14 (b) If the employer files an appeal from an award of a
15 judge of the compensation court and fails to obtain any reduction in
16 the amount of such award, the Court of Appeals or Supreme Court shall
17 allow the employee a reasonable attorney's fee to be taxed as costs
18 against the employer for such appeal.

19 (c) If the employee files an appeal from an order of a
20 judge of the compensation court denying an award and obtains an award
21 or if the employee files an appeal from an award of a judge of the
22 compensation court when the amount of compensation due is disputed
23 and obtains an increase in the amount of such award, the Court of
24 Appeals or Supreme Court may allow the employee a reasonable
25 attorney's fee to be taxed as costs against the employer for such

1 appeal.

2 (d) A reasonable attorney's fee allowed pursuant to this
3 subsection shall not affect or diminish the amount of the award.

4 ~~(3)~~(4) When an attorney's fee is allowed pursuant to
5 this section, there shall further be assessed against the employer an
6 amount of interest on the final award obtained, computed from the
7 date compensation was payable, as provided in section 48-119, until
8 the date payment is made by the employer, at a rate equal to the rate
9 of interest allowed per annum under section 45-104.01, as such rate
10 may from time to time be adjusted by the Legislature. Interest shall
11 apply only to those weekly compensation benefits awarded which have
12 accrued as of the date payment is made by the employer. If the
13 employer pays or tenders payment of compensation, the amount of
14 compensation due is disputed, and the award obtained is greater than
15 the amount paid or tendered by the employer, the assessment of
16 interest shall be determined solely upon the difference between the
17 amount awarded and the amount tendered or paid.

18 Sec. 2. Original section 48-125, Revised Statutes
19 Cumulative Supplement, 2012, is repealed.