

1 H.645

2 Introduced by Representatives Botzow of Pownal and Marcotte of Coventry

3 Referred to Committee on

4 Date:

5 Subject: Labor; workers' compensation

6 Statement of purpose of bill as introduced: This bill proposes to make various
7 changes to the workers' compensation statutes.

8 An act relating to workers' compensation

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 21 V.S.A. § 643a is amended to read:

11 § 643a. DISCONTINUANCE OF BENEFITS

12 Unless an injured worker has successfully returned to work, an employer
13 shall notify both the Commissioner and the employee prior to terminating
14 benefits under either section 642 or 646 of this title. The notice of intention to
15 discontinue payments shall be filed on forms prescribed by the Commissioner
16 and shall include the date of the proposed discontinuance, the reasons for it,
17 and, if the employee has been out of work for 90 days, a verification that the
18 employer offered vocational rehabilitation screening and services as required
19 under this chapter. All relevant evidence, including evidence that does not
20 support discontinuance in the possession of the employer not already filed,

1 shall be filed with the notice. The liability for the payments shall continue for
2 seven days after the notice is received by the Commissioner and the employee.
3 If the claimant disputes the discontinuance, the claimant may file with the
4 Commissioner an objection to the discontinuance and seek an extension of the
5 seven-day limit. The Commissioner may grant an extension up to seven days.
6 The request for an extension shall be specific as to the number of days needed
7 and the reason for the extension and must be received by the Commissioner
8 prior to the end of the seven-day limit. A copy of the request for an extension
9 shall be provided to the employer at the time the request is made to the
10 Commissioner. Those payments shall be made without prejudice to the
11 employer and may be deducted from any amounts due pursuant to section 648
12 of this title if the Commissioner determines that the discontinuance is
13 warranted or if otherwise ordered by the Commissioner. Every notice shall be
14 reviewed by the Commissioner to determine the sufficiency of the basis for the
15 proposed discontinuance. If, after review of all the evidence in the file, the
16 Commissioner finds that a preponderance of all the evidence in the file does
17 not reasonably support the proposed discontinuance, the Commissioner shall
18 order that payments continue until a hearing is held and a decision is rendered.
19 Prior to a formal hearing, an injured worker may request reinstatement of
20 benefits by providing additional new evidence to the Department that
21 establishes that a preponderance of all evidence now supports the claim. If the

1 Commissioner's decision, after a hearing, is that the employee was not entitled
2 to any or all benefits paid between the discontinuance and the final decision,
3 upon request of the employer, the Commissioner may order that the employee
4 repay all benefits to which the employee was not entitled. The employer may
5 enforce a repayment order in any court of law having jurisdiction.

6 Sec. 2. 21 V.S.A. § 696 is amended to read:

7 § 696. CANCELLATION OF INSURANCE CONTRACTS

8 A policy or contract shall not be cancelled within the time ~~limited~~ specified
9 in the policy or contract for its expiration, until at least 45 days after a notice of
10 intention to cancel the policy or contract, on a date specified in the notice, has
11 been filed in the office of the ~~commissioner~~ Commissioner and provided to the
12 employer. The notice shall be filed with the Commissioner in accordance with
13 rules adopted by the Commissioner and provided to the employer by certified
14 mail ~~or certificate of mailing~~. The cancellation shall not affect the liability of
15 an insurance carrier on account of an injury occurring prior to cancellation.

16 Sec. 3. 21 V.S.A. § 697 is amended to read:

17 § 697. NOTICE OF INTENT NOT TO RENEW POLICY

18 An insurance carrier who does not intend to renew a workers' compensation
19 insurance policy ~~of workers' compensation insurance~~ or guarantee contract
20 covering the liability of an employer under the provisions of this chapter, ~~45~~
21 ~~days prior to the expiration of the policy or contract~~, shall give notice of ~~the~~ its

1 intention to the ~~commissioner of labor~~ Commissioner and ~~to~~ the covered
2 employer at least 45 days prior to the expiration date stated in the policy or
3 contract. The notice shall be given to the employer by certified mail ~~or~~
4 ~~certificate of mailing~~. An insurance carrier who fails to give notice shall
5 continue the policy or contract in force beyond its expiration date for 45 days
6 from the day the notice is received by the ~~commissioner~~ Commissioner and the
7 employer. However, ~~this latter provision shall not apply if, prior to such~~
8 ~~expiration date, on or before the expiration of the existing insurance or~~
9 ~~guarantee contract the insurance carrier has, by delivery of a renewal contract~~
10 ~~or otherwise, offered to continue the insurance beyond the date by delivery of a~~
11 ~~renewal contract or otherwise,~~ or if the employer notifies the insurance carrier
12 in writing that the employer does not wish the insurance continued beyond the
13 expiration date, or if the employer complies with the provisions of section 687
14 of this title, ~~on or before the expiration of the existing insurance or guarantee~~
15 ~~contract then the policy will expire upon notice to the Commissioner.~~

16 Sec. 4. EFFECTIVE DATE

17 This act shall take effect on July 1, 2014.