

contractual agreement with a school corporation or accredited nonpublic school to provide the program.

Approved April 6, 1998

CHAPTER 1061

WORKERS' COMPENSATION — DIVISION AND COMMISSIONER NAME CHANGE — COMPENSATION DURING HEALING PERIOD

H.F. 2465

AN ACT relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 84A.1, subsections 2 and 3, Code 1997, are amended to read as follows:

2. The chief executive officer of the department is the director who shall be appointed by the governor, subject to confirmation by the senate under the confirmation procedures of section 2.32. The director shall serve at the pleasure of the governor. The governor shall set the salary of the director within the applicable salary range established by the general assembly. The director shall be selected solely on the ability to administer the duties and functions granted to the director and the department and shall devote full time to the duties of the director. If the office of director becomes vacant, the vacancy shall be filled in the same manner as the original appointment was made.

The director of the department shall, subject to the requirements of section 84A.1B, prepare, administer, and control the budget of the department and its divisions and shall approve the employment of all personnel of the department and its divisions.

The director shall direct the administrative and compliance functions and control the docket of the division of ~~industrial services~~ workers' compensation.

3. The department shall include the division of labor services, the division of ~~industrial services~~ workers' compensation, and other divisions as appropriate.

Sec. 2. Section 84A.5, subsections 4 and 5, Code 1997, are amended to read as follows:

4. The division of ~~industrial services~~ workers' compensation is responsible for the administration of the laws of this state relating to workers' compensation under chapters 85, 85A, 85B, 86, and 87. The executive head of the division is the ~~industrial~~ workers' compensation commissioner, appointed pursuant to section 86.1.

5. The director shall form a coordinating committee composed of the director, the labor commissioner, the ~~industrial~~ workers' compensation commissioner, and other administrators. The committee shall monitor federal compliance issues relating to coordination of functions among the divisions.

Sec. 3. Section 85.26, subsection 2, Code 1997, is amended to read as follows:

2. An award for payments or an agreement for settlement provided by section 86.13 for benefits under this chapter or chapter 85A or 85B, where the amount has not been commuted, may be reviewed upon commencement of reopening proceedings by the employer or the employee within three years from the date of the last payment of weekly benefits made

under the award or agreement. If an award for payments or agreement for settlement as provided by section 86.13 for benefits under this chapter or chapter 85A or 85B has been made and the amount has not been commuted, or if a denial of liability is not filed with the industrial workers' compensation commissioner and notice of the denial is not mailed to the employee, ~~on forms prescribed in the form and manner required~~ by the commissioner, within six months of the commencement of weekly compensation benefits, the commissioner may at any time upon proper application make a determination and appropriate order concerning the entitlement of an employee to benefits provided for in section 85.27. The failure to file a denial of liability does not constitute an admission of liability under this chapter or chapter 85A, 85B, or 86.

Sec. 4. Section 85.34, subsection 1, Code Supplement 1997, is amended to read as follows:

1. HEALING PERIOD. If an employee has suffered a personal injury causing permanent partial disability for which compensation is payable as provided in subsection 2 of this section, the employer shall pay to the employee compensation for a healing period, as provided in section 85.37, beginning on the date of first day of disability after the injury, and until the employee has returned to work or it is medically indicated that significant improvement from the injury is not anticipated or until the employee is medically capable of returning to employment substantially similar to the employment in which the employee was engaged at the time of injury, whichever occurs first.

Sec. 5. Section 86.9, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The director of the department of workforce development, in consultation with the commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of industrial services workers' compensation for the preceding year, the number of claims processed by the division and the disposition of the claims, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 85, 85A, 85B, and 87, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

Sec. 6. Section 86.11, Code 1997, is amended to read as follows:

86.11 REPORTS OF INJURIES.

Every employer shall hereafter keep a record of all injuries, fatal or otherwise, alleged by an employee to have been sustained in the course of the employee's employment and resulting in incapacity for a longer period than one day. If the injury results only in temporary disability, causing incapacity for a longer period than three days except as provided in section 86.36 then within four days thereafter, not counting Sundays and legal holidays, the employer or insurance carrier having had notice or knowledge of the occurrence of such injury and resulting disability, shall file a written report with the industrial workers' compensation commissioner ~~on forms to be procured from in the form and manner required by the commissioner for that purpose~~. If such injury to the employee results in permanent total disability, permanent partial disability or death, then the employer or insurance carrier upon notice or knowledge of the occurrence of the employment injury, shall file a report with the industrial workers' compensation commissioner, within four days after having notice or knowledge of the permanent injury to the employee or the employee's death. The report to the industrial workers' compensation commissioner of injury shall be without prejudice to the employer or insurance carrier and shall not be admitted in evidence or used in any trial or hearing before any court, the industrial workers' compensation commissioner or a deputy industrial workers' compensation commissioner except as to the notice under section 85.23.

Sec. 7. Section 86.13, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If an employer or insurance carrier pays weekly compensation benefits to an employee, the employer or insurance carrier shall file with the industrial workers' compensation commissioner ~~on forms prescribed in the form and manner required by the industrial workers' compensation commissioner~~ a notice of the commencement of the payments. The payments establish conclusively that the employer and insurance carrier have notice of the injury for which benefits are claimed but the payments do not constitute an admission of liability under this chapter or chapter 85, 85A, or 85B.

Sec. 8. Section 86.44, unnumbered paragraph 2, Code 1997, is amended to read as follows:

For purposes of this section, "mediator" means a chief deputy industrial workers' compensation commissioner or deputy industrial workers' compensation commissioner acting in the capacity to resolve a dispute pursuant to this chapter or chapter 85, 85A, or 85B, or an employee of the division of ~~industrial services~~ workers' compensation involved during any stage of a process to resolve a dispute.

Sec. 9. Section 96.6, subsection 4, Code 1997, is amended to read as follows:

4. EFFECT OF DETERMINATION. A finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of the department, administrative law judge, or the employment appeal board, is binding only upon the parties to proceedings brought under this chapter, and is not binding upon any other proceedings or action involving the same facts brought by the same or related parties before the division of labor services, division of ~~industrial services~~ workers' compensation, other state agency, arbitrator, court, or judge of this state or the United States.

Sec. 10. Section 912.3, subsection 4, Code 1997, is amended to read as follows:

4. Request from the department of human services, the department of workforce development and its division of ~~industrial services~~ workers' compensation, the department of public safety, the county sheriff departments, the municipal police departments, the county attorneys, or other public authorities or agencies reasonable assistance or data necessary to administer the crime victim compensation program.

Sec. 11. AMENDMENTS CHANGING TERMINOLOGY — DIRECTIVES TO CODE EDITOR. Sections 84A.5, 85.3, 85.21, 85.22, 85.26, 85.27, 85.35, 85.43, 85.45, 85.47, 85.48, 85.49, 85.53, 85.55, 85.59, 85.62, 85.66, 85.67, 85.70, 85A.7, 85A.15, 85A.19, 85A.20, 85A.21, 85A.22, 85A.24, 85A.25, 85A.27, 85B.5, 85B.13, 85B.15, 86.1, 86.2, 86.3, 86.4, 86.10, 86.11, 86.12, 86.13, 86.17, 86.19, 86.24, 86.26, 86.27, 86.29, 86.38, 86.39, 86.41, 86.42, 86.43, 86.44, 87.1, 87.5, 87.6, 87.7, 87.11, 87.16, 87.17, 87.19, 87.20, 216A.73, and 331.324, Code 1997, and sections 85.34, 85.61, 87.22, and 515B.5, Code Supplement 1997, are amended by striking from the sections the words "industrial commissioner" and inserting in lieu thereof the words "workers' compensation commissioner".

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