

House File 518

H-1184

1 Amend the amendment, H-1176, to House File 518 as  
2 follows:

3 1. Page 1, after line 3 by inserting:

4 <\_\_\_. Page 4, by striking lines 16 through 21 and  
5 inserting:

6 <Sec. \_\_\_. Section 85.34, subsection 2, Code 2017,  
7 is amended by adding the following new paragraph:

8 NEW PARAGRAPH. On. For the loss of a shoulder,  
9 weekly compensation during four hundred weeks.

10 Sec. \_\_\_. Section 85.34, subsection 2, paragraph u,  
11 Code 2017, is amended to read as follows:>>

12 2. Page 1, after line 5 by inserting:

13 <\_\_\_. Page 5, by striking lines 5 through 10  
14 and inserting <the employee's earning capacity.

15 Notwithstanding section 85.26, subsection 2, if an  
16 employee who is eligible for compensation under this  
17 paragraph returns to work with the same employer and is  
18 compensated based only upon the employee's functional  
19 impairment resulting from the injury as provided in  
20 this paragraph and is terminated from employment by  
21 that employer, the award or agreement for settlement  
22 for benefits under this chapter shall be reviewed upon  
23 commencement of reopening proceedings by the employee  
24 for a determination of any reduction in the employee's  
25 earning capacity caused by the employee's permanent  
26 partial disability.>

27 \_\_\_\_\_. Page 6, by striking lines 11 through 17 and  
28 inserting <the employee is no longer permanently and  
29 totally disabled.>

30 \_\_\_\_\_. Page 7, line 3, before <services> by inserting  
31 <current>

32 \_\_\_\_\_. Page 11, after line 3 by inserting:

33 <Sec. \_\_\_. Section 85.70, Code 2017, is amended to  
34 read as follows:

35 **85.70 Additional payment for attendance —**

1 rehabilitation and training — new career vocational  
2 training program.

3 1. An employee who has sustained an injury  
4 resulting in permanent partial or permanent total  
5 disability, for which compensation is payable under  
6 this chapter other than an injury to the shoulder  
7 compensable pursuant to section 85.34, subsection  
8 2, paragraph "On", and who cannot return to gainful  
9 employment because of such disability, shall  
10 upon application to and approval by the workers'  
11 compensation commissioner be entitled to a one hundred  
12 dollar weekly payment from the employer in addition  
13 to any other benefit payments, during each full week  
14 in which the employee is actively participating in a  
15 vocational rehabilitation program recognized by the  
16 vocational rehabilitation services division of the  
17 department of education. The workers' compensation  
18 commissioner's approval of such application for  
19 payment may be given only after a careful evaluation  
20 of available facts, and after consultation with the  
21 employer or the employer's representative. Judicial  
22 review of the decision of the workers' compensation  
23 commissioner may be obtained in accordance with the  
24 terms of the Iowa administrative procedure Act, chapter  
25 17A, and in section 86.26. Such additional benefit  
26 payment shall be paid for a period not to exceed  
27 thirteen consecutive weeks except that the workers'  
28 compensation commissioner may extend the period of  
29 payment not to exceed an additional thirteen weeks  
30 if the circumstances indicate that a continuation of  
31 training will in fact accomplish rehabilitation.

32 2. a. An employee who has sustained an injury to  
33 the shoulder resulting in permanent partial disability  
34 for which compensation is payable under section 85.34,  
35 subsection 2, paragraph "On", and who cannot return

1 to gainful employment because of such disability,  
2 shall be evaluated by the department of workforce  
3 development regarding career opportunities in specific  
4 fields aligning with postsecondary career and technical  
5 education programs that provide instruction in the  
6 areas of agriculture, family and consumer sciences,  
7 health occupations, business, industrial technology,  
8 and marketing, that allow for accommodation of the  
9 employee's disability and to determine if the employee  
10 would benefit from participation in the new career  
11 vocational training and education program offered  
12 through an area community college, that will allow the  
13 employee to return to the workforce.

14 b. Upon completion of the evaluation and a  
15 determination by the department that the employee is a  
16 candidate for the new career vocational training and  
17 education program, the employee shall be referred by  
18 the department to the community college that is in the  
19 closest proximity to the employee's residence, or upon  
20 agreement of the department and the employee, to the  
21 community college that offers a vocational training and  
22 education program that best meets the employee's needs,  
23 for enrollment in the new career vocational training  
24 and education program at the community college for the  
25 purpose of providing the employee with occupational  
26 training that will result in, at a minimum, the  
27 awarding of an associate degree or completion of a  
28 certificate program and will enable the employee to  
29 return to the workforce. If an employee does not  
30 enroll in the new career vocational training and  
31 education program at the community college to which the  
32 employee has been referred by the department within six  
33 months after the referral, the employee is no longer  
34 eligible to participate in the program.

35 c. The employee shall be entitled to financial

1 support from the employer or the employer's insurer  
2 for participation in the new career vocational and  
3 education training program in a total amount not  
4 to exceed fifteen thousand dollars to be used for  
5 the payment of tuition and fees and the purchase of  
6 required supplies. The community college in which an  
7 employee is enrolled pursuant to the program shall  
8 bill the employer or the employer's insurer for the  
9 employee's tuition and fees each semester, or the  
10 equivalent, that the employee is enrolled in the  
11 program. The employer or the employer's insurer shall  
12 also pay for the purchase of supplies required by the  
13 employee to participate in the program, upon receipt  
14 of documentation from the employee detailing the cost  
15 of the supplies and the necessity for purchasing the  
16 supplies. Such documentation may include written  
17 course requirements or other documentation from the  
18 community college or the course instructor regarding  
19 the necessity for the purchase of certain supplies.

20 d. The employer or the employer's insurer may  
21 request a periodic status report each semester from the  
22 community college documenting the employee's attendance  
23 and participation in and completion of the education  
24 and training program. If an employee does not meet  
25 the attendance requirements of the community college  
26 at which the employee is enrolled or does not maintain  
27 a passing grade in each course in which the employee  
28 is enrolled each semester, or the equivalent, the  
29 employee's eligibility for continued participation in  
30 the program is terminated.

31 e. The community college shall also provide the  
32 employer or the employer's insurer with documentation  
33 detailing that the receipt of funds by the community  
34 college pursuant to this subsection is for the payment  
35 of tuition and fees and the purchase of required

1 supplies.

2 f. Beginning on or before December 1, 2018, the  
3 department of workforce development, in cooperation  
4 with the department of education, the insurance  
5 division of the department of commerce, and all  
6 community colleges that are participating in the new  
7 career and vocational training and education program,  
8 shall prepare an annual report for submission to the  
9 general assembly that provides information about the  
10 status of the program including but not limited to the  
11 utilization of and participants in the program, program  
12 completion rates, employment rates after completion of  
13 the program and the types of employment obtained by the  
14 program participants, and the effects of the program on  
15 workers' compensation premium rates.>

16     \_\_\_ . Page 14, by striking lines 2 through 5 and  
17 inserting <payment is due at an annual rate equal  
18 to the prime rate plus two percent, calculated as  
19 of January 1 of the calendar year in which each  
20 compensation payment is due.>

21     \_\_\_ . Page 14, by striking lines 6 and 7.

22     \_\_\_ . Title page, line 2, by striking <effective  
23 date and>

24     \_\_\_ . By renumbering as necessary.>>

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CARLSON of Muscatine