

House File 518

H-1211

1 Amend the amendment, H-1176, to House File 518 as
2 follows:
3 1. Page 1, by striking lines 2 and 3.
4 2. Page 1, after line 3 by inserting:
5 <___. Page 1, line 19, by striking <the
6 predominant> and inserting <a substantial>
7 ___. Page 1, line 24, by striking <the predominant>
8 and inserting <a substantial>
9 ___. Page 4, by striking lines 16 through 21 and
10 inserting:
11 <Sec. ___. Section 85.34, subsection 2, Code 2017,
12 is amended by adding the following new paragraph:
13 NEW PARAGRAPH. On. For the loss of a shoulder,
14 weekly compensation during four hundred weeks.
15 Sec. ___. Section 85.34, subsection 2, paragraph u,
16 Code 2017, is amended to read as follows:>>
17 3. Page 1, after line 5 by inserting:
18 <___. Page 5, by striking lines 5 through 10
19 and inserting <the employee's earning capacity.
20 Notwithstanding section 85.26, subsection 2, if an
21 employee who is eligible for compensation under this
22 paragraph returns to work with the same employer and is
23 compensated based only upon the employee's functional
24 impairment resulting from the injury as provided in
25 this paragraph and is terminated from employment by
26 that employer, the award or agreement for settlement
27 for benefits under this chapter shall be reviewed upon
28 commencement of reopening proceedings by the employee
29 for a determination of any reduction in the employee's
30 earning capacity caused by the employee's permanent
31 partial disability.>
32 ___. Page 6, by striking lines 11 through 17 and
33 inserting <the employee is no longer permanently and
34 totally disabled.>
35 ___. Page 7, line 3, before <services> by inserting

1 <current>

2 _____. By striking page 10, line 24, through page 11,
3 line 3.

4 _____. Page 11, before line 4 by inserting:

5 <Sec. _____. Section 85.70, Code 2017, is amended to
6 read as follows:

7 **85.70 Additional payment for attendance —**
8 **rehabilitation and training — new career vocational**
9 **training and education program.**

10 1. An employee who has sustained an injury
11 resulting in permanent partial or permanent total
12 disability, for which compensation is payable under
13 this chapter other than an injury to the shoulder
14 compensable pursuant to section 85.34, subsection
15 2, paragraph "On", and who cannot return to gainful
16 employment because of such disability, shall
17 upon application to and approval by the workers'
18 compensation commissioner be entitled to a one hundred
19 dollar weekly payment from the employer in addition
20 to any other benefit payments, during each full week
21 in which the employee is actively participating in a
22 vocational rehabilitation program recognized by the
23 vocational rehabilitation services division of the
24 department of education. The workers' compensation
25 commissioner's approval of such application for
26 payment may be given only after a careful evaluation
27 of available facts, and after consultation with the
28 employer or the employer's representative. Judicial
29 review of the decision of the workers' compensation
30 commissioner may be obtained in accordance with the
31 terms of the Iowa administrative procedure Act, chapter
32 17A, and in [section 86.26](#). Such additional benefit
33 payment shall be paid for a period not to exceed
34 thirteen consecutive weeks except that the workers'
35 compensation commissioner may extend the period of

1 payment not to exceed an additional thirteen weeks
2 if the circumstances indicate that a continuation of
3 training will in fact accomplish rehabilitation.

4 2. a. An employee who has sustained an injury to
5 the shoulder resulting in permanent partial disability
6 for which compensation is payable under section 85.34,
7 subsection 2, paragraph "On", and who cannot return
8 to gainful employment because of such disability,
9 shall be evaluated by the department of workforce
10 development regarding career opportunities in specific
11 fields aligning with postsecondary career and technical
12 education programs that provide instruction in the
13 areas of agriculture, family and consumer sciences,
14 health occupations, business, industrial technology,
15 and marketing, that allow for accommodation of the
16 employee's disability and to determine if the employee
17 would benefit from participation in the new career
18 vocational training and education program offered
19 through an area community college, that will allow the
20 employee to return to the workforce.

21 b. Upon completion of the evaluation and a
22 determination by the department that the employee is a
23 candidate for the new career vocational training and
24 education program, the employee shall be referred by
25 the department to the community college that is in the
26 closest proximity to the employee's residence, or upon
27 agreement of the department and the employee, to the
28 community college that offers a vocational training and
29 education program that best meets the employee's needs,
30 for enrollment in the new career vocational training
31 and education program at the community college for the
32 purpose of providing the employee with occupational
33 training that will result in, at a minimum, the
34 awarding of an associate degree or completion of a
35 certificate program and will enable the employee to

1 return to the workforce. If an employee does not
2 enroll in the new career vocational training and
3 education program at the community college to which the
4 employee has been referred by the department within six
5 months after the referral, the employee is no longer
6 eligible to participate in the program.

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

27 d. The employer or the employer's insurer may
28 request a periodic status report each semester from the
29 community college documenting the employee's attendance
30 and participation in and completion of the education
31 and training program. If an employee does not meet
32 the attendance requirements of the community college
33 at which the employee is enrolled or does not maintain
34 a passing grade in each course in which the employee
35 is enrolled each semester, or the equivalent, the

1 employee's eligibility for continued participation in
2 the program is terminated.

3 e. The community college shall also provide the
4 employer or the employer's insurer with documentation
5 detailing that the receipt of funds by the community
6 college pursuant to this subsection is for the payment
7 of tuition and fees and the purchase of required
8 supplies.

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

23 ___ . Page 14, by striking lines 4 and 5 and
24 inserting <recent H15 report settled as of the date of
25 injury, plus two percent.>

26 ___ . Page 14, by striking lines 6 and 7.

27 ___ . Page 14, line 10, by striking <85.61,>

28 ___ . Title page, line 2, by striking <effective
29 date and>

30 ___ . By renumbering as necessary.>>

CARLSON of Muscatine