

S-3/10/98 Business & Labor
S-3/19/98 Do Pass Ref.

FEB 26 1998
Place On Calendar

HOUSE FILE 2465
BY COMMITTEE ON LABOR AND
INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 578)

Passed House, (p.566) Date 3/10/98 Passed Senate, (p.904) Date 3/25/98
Vote: Ayes 93 Nays 0 Vote: Ayes 49 Nays 0
Approved April 6, 1998

A BILL FOR

1 An Act relating to workers' compensation by changing the name of
2 the division and personnel responsible, providing for the
3 commencement of compensation during a healing period, and
4 providing for reporting requirements.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2465

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

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

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

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

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

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

28 4. The division of ~~industrial-services workers'~~
29 compensation is responsible for the administration of the laws
30 of this state relating to workers' compensation under chapters
31 85, 85A, 85B, 86, and 87. The executive head of the division
32 is the ~~industrial workers' compensation~~ commissioner,
33 appointed pursuant to section 86.1.

34 5. The director shall form a coordinating committee
35 composed of the director, the labor commissioner, the

1 ~~industrial~~ workers' compensation commissioner, and other
2 administrators. The committee shall monitor federal
3 compliance issues relating to coordination of functions among
4 the divisions.

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

7 2. An award for payments or an agreement for settlement
8 provided by section 86.13 for benefits under this chapter or
9 chapter 85A or 85B, where the amount has not been commuted,
10 may be reviewed upon commencement of reopening proceedings by
11 the employer or the employee within three years from the date
12 of the last payment of weekly benefits made under the award or
13 agreement. If an award for payments or agreement for
14 settlement as provided by section 86.13 for benefits under
15 this chapter or chapter 85A or 85B has been made and the
16 amount has not been commuted, or if a denial of liability is
17 not filed with the ~~industrial~~ workers' compensation
18 commissioner and notice of the denial is not mailed to the
19 employee, on-forms-prescribed in the form and manner required
20 by the commissioner, within six months of the commencement of
21 weekly compensation benefits, the commissioner may at any time
22 upon proper application make a determination and appropriate
23 order concerning the entitlement of an employee to benefits
24 provided for in section 85.27. The failure to file a denial
25 of liability does not constitute an admission of liability
26 under this chapter or chapter 85A, 85B, or 86.

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

29 1. HEALING PERIOD. If an employee has suffered a personal
30 injury causing permanent partial disability for which
31 compensation is payable as provided in subsection 2 of this
32 section, the employer shall pay to the employee compensation
33 for a healing period, as provided in section 85.37, beginning
34 on the ~~date-of~~ first day of disability after the injury, and
35 until the employee has returned to work or it is medically

1 indicated that significant improvement from the injury is not
2 anticipated or until the employee is medically capable of
3 returning to employment substantially similar to the
4 employment in which the employee was engaged at the time of
5 injury, whichever occurs first.

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

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

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

23 86.11 REPORTS OF INJURIES.

24 Every employer shall hereafter keep a record of all
25 injuries, fatal or otherwise, alleged by an employee to have
26 been sustained in the course of the employee's employment and
27 resulting in incapacity for a longer period than one day. If
28 the injury results only in temporary disability, causing
29 incapacity for a longer period than three days except as
30 provided in section 86.36 then within four days thereafter,
31 not counting Sundays and legal holidays, the employer or
32 insurance carrier having had notice or knowledge of the
33 occurrence of such injury and resulting disability, shall file
34 a written report with the industrial workers' compensation
35 commissioner on-forms-to-be-procured-from in the form and

1 manner required by the commissioner for-that-purpose. If such
2 injury to the employee results in permanent total disability,
3 permanent partial disability or death, then the employer or
4 insurance carrier upon notice or knowledge of the occurrence
5 of the employment injury, shall file a report with the
6 industrial workers' compensation commissioner, within four
7 days after having notice or knowledge of the permanent injury
8 to the employee or the employee's death. The report to the
9 industrial workers' compensation commissioner of injury shall
10 be without prejudice to the employer or insurance carrier and
11 shall not be admitted in evidence or used in any trial or
12 hearing before any court, the industrial workers' compensation
13 commissioner or a deputy industrial workers' compensation
14 commissioner except as to the notice under section 85.23.

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

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

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

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

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

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

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

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

23 Sec. 11. AMENDMENTS CHANGING TERMINOLOGY -- DIRECTIVES TO
24 CODE EDITOR. Sections 84A.5, 85.3, 85.21, 85.22, 85.26,
25 85.27, 85.35, 85.43, 85.45, 85.47, 85.48, 85.49, 85.53, 85.55,
26 85.59, 85.62, 85.66, 85.67, 85.70, 85A.7, 85A.15, 85A.19,
27 85A.20, 85A.21, 85A.22, 85A.24, 85A.25, 85A.27, 85B.5, 85B.13,
28 85B.15, 86.1, 86.2, 86.3, 86.4, 86.10, 86.11, 86.12, 86.13,
29 86.17, 86.19, 86.24, 86.26, 86.27, 86.29, 86.38, 86.39, 86.41,
30 86.42, 86.43, 86.44, 87.1, 87.5, 87.6, 87.7, 87.11, 87.16,
31 87.17, 87.19, 87.20, 216A.73, and 331.324, Code 1997, and
32 sections 85.34, 85.61, 87.22, and 515B.5, Code Supplement
33 1997, are amended by striking from the sections the words
34 "industrial commissioner" and inserting in lieu thereof the
35 words "workers' compensation commissioner".

EXPLANATION

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The bill also eliminates the requirement that first reports of injury reports be filed in written form.

Holmes, Ch
Dix
Dotzler

HSB 578

LABOR & INDUSTRIAL RELATIONS
Succeeded By
SF/RF 2465

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LABOR AND INDUSTRIAL
RELATIONS BILL BY
CHAIRPERSON TYRRELL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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EXPLANATION

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HOUSE FILE 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:

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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".

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2465, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 6, 1998

TERRY E. BRANSTAD
Governor