

Senate Study Bill 1052

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
WORKFORCE DEVELOPMENT BILL)

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

A BILL FOR

1 An Act relating to the payment of certain weekly workers'
2 compensation benefits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1207DP 81
5 av/sh/8

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1 1 Section 1. Section 85.27, subsection 7, Code 2005, is
1 2 amended to read as follows:
1 3 7. If, after the third day of incapacity to work following
1 4 the date of sustaining a compensable injury which does not
1 5 result in permanent partial disability, or if, at any time
1 6 after sustaining a compensable injury which results in
1 7 permanent partial disability, an employee, who is not
1 8 receiving weekly benefits under section 85.33 or section
1 9 85.34, subsection 1, returns to work and is required to leave
1 10 work for one full day or less to receive services pursuant to
1 11 this section, the employee shall be paid an amount equivalent
1 12 to the wages lost at the employee's regular rate of pay for
1 13 the time the employee is required to leave work. For the
1 14 purposes of this subsection, "day of incapacity to work" means
1 15 eight hours of accumulated absence from work due to incapacity
1 16 to work or due to the receipt of services pursuant to this
1 17 section. The employer shall make the payments under this
1 18 subsection as wages to the employee after making such
1 19 deductions from the amount as legally required or customarily
1 20 made by the employer from wages. Payments made under this
1 21 subsection shall be required to be reimbursed pursuant to any
1 22 insurance policy covering workers' compensation. Payments
1 23 under this subsection shall not be construed to be payment of
1 24 weekly benefits.
1 25 Sec. 2. Section 85.38, subsection 2, unnumbered paragraph
1 26 2, Code 2005, is amended to read as follows:
1 27 If an employer denies liability under this chapter, chapter
1 28 85A, or chapter 85B, for payment for any medical services
1 29 received or weekly compensation requested by an employee with
1 30 a disability, and the employee is a beneficiary under either
1 31 an individual or group plan for nonoccupational illness,
1 32 injury, or disability, the nonoccupational plan shall not deny
1 33 payment for the medical services received of benefits under
1 34 the plan on the basis that the employer's liability for the
1 35 medical services under this chapter, chapter 85A, or chapter
2 1 85B is unresolved.

EXPLANATION

2 2 This bill relates to the payment of certain weekly workers'
2 3 compensation benefits.
2 4 Code section 85.27 is amended to provide that for purposes
2 5 of paying lost wages pursuant to subsection 7, "day of
2 6 incapacity to work" means eight hours of accumulated absence
2 7 from work due to incapacity to work or due to the receipt of
2 8 services pursuant to that section.
2 9 The bill amends Code section 85.38 to provide that if an
2 10 employer denies liability under Code chapter 85, 85A, or 85B,
2 11 for payment of weekly compensation requested by an employee
2 12 and the employee is a beneficiary under either an individual
2 13 or group plan for nonoccupational illness, injury, or
2 14 disability, the nonoccupational plan shall not deny payment of
2 15 benefits under the plan on the basis that the employer's
2 16 liability under Code chapter 85, 85A, or 85B is unresolved.

2 18 Code section 85.38 currently requires payment by a
2 19 nonoccupational plan for any medical services received by an
2 20 injured employee under these circumstances.
2 21 LSB 1207DP 81
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