

House Study Bill 98

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON LABOR
BILL BY CHAIRPERSON OLSON)

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

A BILL FOR

1 An Act relating to proceedings to reopen an award or agreement
2 for settlement of workers' compensation benefits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1823YC 82
5 av/je/5

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1 1 Section 1. Section 86.14, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. In a proceeding to reopen an award for payments or
1 4 agreement for settlement as provided by section 86.13, inquiry
1 5 shall be into whether or not the condition of the employee
1 6 warrants an end to, diminishment of, or increase of
1 7 compensation so awarded or agreed upon. A factor that could
1 8 have been considered by the parties in assessing the extent of
1 9 the reduction in the employee's earning capacity and that
1 10 existed or was known about by the parties at the time of the
1 11 prior award or agreement for settlement shall not bar a
1 12 proceeding to reopen the award or agreement unless the factor
1 13 was considered by the parties at the time of the award or
1 14 agreement and was properly reflected in the amount of
1 15 compensation paid. Such factors shall include but are not
1 16 limited to a change in the claimant's underlying medical
1 17 condition, cessation of accommodation by the claimant's
1 18 employer, a change in economic factors, or a change in other
1 19 factors considered in assessing the extent of the reduction in
1 20 the employee's earning capacity.

1 21 EXPLANATION

1 22 This bill amends Code section 86.14 to provide that a
1 23 factor that could have been considered in assessing the extent
1 24 of the reduction in the employee's earning capacity and that
1 25 existed or was known about by the parties at the time of a
1 26 prior award or agreement for settlement does not bar a
1 27 proceeding to reopen such award or agreement unless the factor
1 28 was considered and properly reflected in the amount of
1 29 compensation paid.
1 30 LSB 1823YC 82
1 31 av:rj/je/5