

House File 421 - Introduced

HOUSE FILE 421
BY BODEN

A BILL FOR

- 1 An Act relating to injuries subject to workers' compensation and
- 2 including retroactive applicability provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 85.26, subsection 1, Code 2025, is amended
2 to read as follows:

3 1. a. An original proceeding for benefits under chapter 10A,
4 subchapter III, this chapter, or chapter 85A or 85B, shall not
5 be maintained in any contested case unless the proceeding is
6 commenced within two years from the date of the occurrence of the
7 injury for which benefits are claimed or, if weekly compensation
8 benefits are paid under section 10A.315, within three years from
9 the date of the last payment of weekly compensation benefits.

10 b. If the two-year period provided in paragraph "a" is
11 exceeded because the employee was unable to obtain an accurate
12 diagnosis of the injury within the period from a health service
13 provider chosen by the employer pursuant to section 85.27, the
14 period shall be extended until such time as the employee can
15 obtain such a diagnosis. This paragraph shall only apply if a
16 delay in such a diagnosis beyond the two-year period was solely
17 the result of action taken or not taken by the health service
18 provider and if the employee demonstrates that the employee made
19 a diligent effort to obtain such a diagnosis from the health care
20 provider without undue delay on the employee's part.

21 c. For the purposes of this section, "date of the occurrence
22 of the injury" means the date that the employee knew or should
23 have known ~~that~~, based on the nature, seriousness, and probable
24 compensable character of the injury was work-related, that the
25 injury was serious enough to have a permanent adverse impact on
26 the employee's employment or employability.

27 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
28 retroactively to injuries occurring on or after August 1, 2022.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to injuries under the workers' compensation
33 program.

34 Under current law, a proceeding on a claim for workers'
35 compensation benefits must generally be commenced within two

1 years from the date of the occurrence of the injury for which
2 benefits are claimed in order to be valid.

3 The bill provides that if the two-year period is exceeded
4 because the employee was unable to obtain an accurate diagnosis
5 of the injury within the period from a health service provider
6 chosen by the employer, the period shall be extended until
7 such time as the employee can obtain such a diagnosis. This
8 exception to the two-year period only applies if a delay in such
9 a diagnosis beyond the period was solely the result of action
10 taken or not taken by the health service provider and if the
11 employee demonstrates that the employee made a diligent effort
12 to obtain such a diagnosis from the health care provider without
13 undue delay on the employee's part.

14 Under current law, "date of the occurrence of the injury" is
15 defined for purposes of the two-year period as the date that
16 the employee knew or should have known that the injury was
17 work-related.

18 The bill provides that this term is defined as the date that
19 the employee knew or should have known, based on the nature,
20 seriousness, and probable compensable character of the injury,
21 that the injury was serious enough to have a permanent adverse
22 impact on the employee's employment or employability.

23 The bill applies retroactively to injuries occurring on or
24 after August 1, 2022.