

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB 3897
Version:	Floor Amendment 1
Request Number:	11073
Author:	Rep. Kannady
Date:	3/10/2022
Impact:	No direct fiscal impact to state anticipated

Research Analysis

The floor substitute for HB 3897 adds definitions for *idiopathic* and *intentional act* as used in Administrative Workers' Compensation Act. *Idiopathic* means an injury or condition where the cause or injury occurs in the course of employment but does not arise out of the employment. *Intentional act* means an injury that is the result of a willful, deliberate, and specific intent to cause harm when the act is not considered an employment risk. The measure provides that the definition of *accident* in relation to a compensable injury does not include intentional acts. Additionally, the measure provides that injuries that are idiopathic or the result of an intentional act do not qualify as compensable injuries.

The measure also amends the definition of *permanent partial disability* by deleting the requirement that the disability must prevent the injured employee from returning to their pre-injury job. Beginning January 1, 2023, compensation for permanent partial disability will be 70 percent of the employee's average weekly wage, not to exceed 40 percent of the state's average weekly wage, for no more than 360 weeks.

The measure also provides terms for beneficiary payments of employees who die as a result of their injury or occupational illness. Additionally, the measure amends terms for requirements of travel reimbursement for employees who drive to medical treatment.

The Workers' Compensation Commission is permitted to review any compensation judgment, award, or decision at any time. Employees may also request an independent medical examiner be appointed to determine the necessity of surgery recommended by a treating physician. The measure provides that an independent medical examiner will not be disqualified from serving based upon a probationary license status.

Finally, the measure amends provisions regarding judges of the Workers' Compensation Court of Existing Claims.

Prepared By: Emily McPherson

Fiscal Analysis

The first floor amendment to the measure is a floor substitute for the committee substitute of the measure.

The first floor amendment would modify various provisions of Title 85A--Workers' Compensation. The measure provides definitions for "intentional act" and "idiopathic injury". The measure would amend the benefits payable to individuals for claims under Title 85A.

Upon review and with consultation from the Workers' Compensation Commission, no direct fiscal impact to the state is anticipated from passage of the measure. Any additional duties the measure may create for the Commission can be absorbed within existing budgetary resources.

Prepared By: Clayton Mayfield

Other Considerations

None.

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