

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 3897</b>
<b>Version:</b>	<b>Committee Substitute</b>
<b>Request Number:</b>	<b>10350</b>
<b>Author:</b>	<b>Rep. Kannady</b>
<b>Date:</b>	<b>2/8/2022</b>
<b>Impact:</b>	<b>Under review</b>

**Research Analysis**

The committee 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.

Prepared By: Emily McPherson

**Fiscal Analysis**

The first proposed committee substitute to measure amends multiple sections of the Administrative Workers' Compensation Act. It strikes the language of the introduced version.

The first proposed committee substitute to the measure is under review for fiscal impact analysis.

Prepared By: Clayton Mayfield

**Other Considerations**

None.

