Workers' Comp

Several States Examine Workers' Compensation Reform

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In the new year, states continue to wrangle with many of the same issues we have seen in past years, but we are seeing some new twists and a surge of bills on a couple topics. These topics include opioids, drug formularies, directed care, medical and recreational marijuana and auto personal injury protection.

Workers' compensation reform is a cyclical event that seems to occur every decade or so. It has been a while since most states have tackled any major changes to their systems and many workers' compensation laws have been or are being battle-tested in their respective state courts.

We expect continued legal challenges to workers' compensation laws centered on attorney fees and worker benefits. Several states already poised for change.

Florida

Florida also endured some challenges to their system and the legislature continues to chip away at various fixes needed to respond to the court rulings.

Illinois

Attorney fees may see some legislative activity. The Illinois legislature has made several attempts at changes to their system in past years only to have the bills vetoed by their former governor. The 2018 elections brought a new governor into office and he has vowed to work with the legislature to make meaningful changes.

Oklahoma

Oklahoma will be pushing a large reform package in response to recent court rulings that found their current system to be unconstitutional.

Utah

Utah had a constitutional challenge to their system several years ago related to attorney fees. The legislature implemented a fix a couple of years ago, but the new law left medical-only claimants without legal representation. Utah has a bill to address that error this year.

Without question, 2019 is shaping up to be a very interesting and active year on the legislative and regulatory fronts. Our government affairs team is actively engaged on critical issues around the country. As these legislative and regulatory initiatives advance, we will keep you posted on their progress and any pertinent changes as they occur.

If you have any questions or information about legislative and regulatory issues, please contact Brian Allen, Vice President of Government Affairs at Brian.Allen@mitchell.com or at 801.903.5754.



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