

Workers' Comp Legislative Activity

December 15, 2018 – February 1, 2019

NEW JERSEY

S.B. 782 - WORKERS' COMPENSATION (GENERAL)

Summary:

Current version (9/24/2018): This measure increases workers' compensation for loss of hand or foot.

The measure modifies the scheduled payments for worker's compensation. The measure prohibits an award of permanent total disability from preventing an additional amount from being added to an amputation award.

The measure also requires Commissioner of Labor and Workforce Development to study the effectiveness of the workers' compensation program.

Current version (9/24/2018): https://www.njleg.state.nj.us/2018/Bills/S1000/782_R1.PDF.

Introduced version (1/9/2018): http://www.njleg.state.nj.us/2018/Bills/S1000/782_I1.PDF

Status:

Introduced; referred to the Senate Labor Committee 1/9/2018. Hearing held; passed Senate Committee; referred to Senate Budget and Appropriations Committee 5/10/2018. Hearing scheduled 9/24/2018. Hearing held; amended; passed Committee 9/24/2018. Passed Senate 12/17/2018.

Outlook:

This measure passed the Senate by a vote of 27-8. This measure is now eligible for consideration in the House. A timeline for further consideration has not yet been established. This measure is a refile of 2016-2017 S.B. 777, which failed to receive consideration. This measure was heard May 10 in the Senate Labor Committee, where it passed unamended by a vote of 4-1.

State Outlook:

The Democratic Party controls both chambers of the Legislature and the Governor's Office. New Jersey operates on a biennium and the Legislature meets annually. The legislative session lasts all year, with each two-year term beginning on the second Tuesday in even-numbered years. Bills left pending at the end of a session in an even-numbered year may be carried over to the following session in subsequent odd-numbered year. As the Legislature uses a two-year legislative session, measures may remain dormant for extended periods of time.

Upon introduction, a bill is typically referred to a committee. However, the Senate President or Assembly Speaker can send a bill directly to the second reading without committee review to speed up the process. Committees are not required to hear every bill referred to them. While not required for

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passage, most bills in New Jersey have companions in the opposite chamber with identical text. A bill may be substituted for its companion if that bill has already undergone the committee process in its chamber of origin. If the measure receives a hearing, members of the public may testify on the bill and legislators may amend the measure. If the bill passes the committee, it is either referred to another committee or reported to the floor for a second reading, where it can be debated and amended. Bills in New Jersey require three readings for passage in each chamber. Amendments can only be added during the second reading, and the second and third readings cannot take place on the same day unless an emergency vote of three-fourths of the governing body's members is passed.

The New Jersey budget occurs on an annual basis and contains policy and appropriations. Companion budget bills are written and introduced by each chamber following the Governor's initial budget proposal. Normal committee procedures occur and both bills progress through the legislative process in their respective chambers. Once one of the measures has passed its chamber of origin, it may be substituted for its companion in the second chamber. If further deliberation is needed for the bill, a conference committee may be formed resolve differences. After passage, the final budget is sent to the Governor for approval.

Effective Date: Immediately

NEW JERSEY

S.B. 2354 - WORKERS' COMPENSATION (GENERAL)

Summary:

Current version (12/3/2018): The measure permits an S corporation with only one individual who performs services for the corporation and is the only shareholder in the corporation to choose whether or not to obtain workers' compensation coverage.

Current version (12/3/2018): https://www.njleg.state.nj.us/2018/Bills/S2500/2354_R1.PDF

Introduced version: https://www.njleg.state.nj.us/2018/Bills/S2500/2354_I1.PDF

Status:

Introduced; referred to Senate Labor Committee 4/5/2018. Hearing held; amended; passed Committee 12/3/2018. Passed Senate 12/17/2018.

Outlook:

This measure passed the Senate by a vote of 40-0. This measure is now eligible for consideration in the Assembly. This measure has not garnered the support of co-sponsors.

State Outlook:

The Democratic Party controls both chambers of the Legislature and the Governor's Office. New Jersey operates on a biennium and the Legislature meets annually. The legislative session lasts all year, with each two-year term beginning on the second Tuesday in even-numbered years. Bills left pending at the end of a session in an even-numbered year may be carried over to the following session in subsequent

odd-numbered year. As the Legislature uses a two-year legislative session, measures may remain dormant for extended periods of time.

Upon introduction, a bill is typically referred to a committee. However, the Senate President or Assembly Speaker can send a bill directly to the second reading without committee review to speed up the process. Committees are not required to hear every bill referred to them. While not required for passage, most bills in New Jersey have companions in the opposite chamber with identical text. A bill may be substituted for its companion if that bill has already undergone the committee process in its chamber of origin. If the measure receives a hearing, members of the public may testify on the bill and legislators may amend the measure. If the bill passes the committee, it is either referred to another committee or reported to the floor for a second reading, where it can be debated and amended. Bills in New Jersey require three readings for passage in each chamber. Amendments can only be added during the second reading, and the second and third readings cannot take place on the same day unless an emergency vote of three-fourths of the governing body's members is passed.

The New Jersey budget occurs on an annual basis and contains policy and appropriations. Companion budget bills are written and introduced by each chamber following the Governor's initial budget proposal. Normal committee procedures occur and both bills progress through the legislative process in their respective chambers. Once one of the measures has passed its chamber of origin, it may be substituted for its companion in the second chamber. If further deliberation is needed for the bill, a conference committee may be formed resolve differences. After passage, the final budget is sent to the Governor for approval.

Effective Date: Immediately

NEW YORK

A.B. 1396 - WORKERS' COMPENSATION (GENERAL)

Summary:

Current version (6/8/2017): This measure authorizes treatment of workers' compensation injuries by an occupational therapy assistant. The measure prohibits occupational therapy assistants from performing independent medical examinations.

Current version (6/8/2017): <http://legislation.nysenate.gov/pdf/bills/2017/A1396B>

Amended version (5/30/2017): <http://legislation.nysenate.gov/pdf/bills/2017/A1396A>

Introduced version: <http://legislation.nysenate.gov/pdf/bills/2017/A1396>

Status:

Introduced; referred to Assembly Labor Committee 1/12/2017. Amended 5/30/2017. Off the floor meeting held; passed Committee; referred to Assembly Codes Committee; off the floor meeting held; passed Committee; referred to Assembly Rules Committee 6/7/2017. Amended 6/8/2017. Off the floor meeting held; ordered to third reading; passed Assembly; referred to Senate Rules Committee

6/15/2017. Returned to Assembly 1/3/2018. Passed Assembly; referred to Senate Labor Committee 1/29/2018. Failed upon adjournment 12/31/2018

State Outlook:

The Democratic Party controls the Assembly as well as the Governor’s Office, and the Senate is controlled by a coalition of the Republican Party and the Independent Democratic Conference (IDC). The Legislature convenes on the Wednesday after the first Monday in January and usually adjourns towards the end of June; however, members can be called back at any time. When a bill is introduced, it may be referred to a committee. Committees are not required to hear every bill referred to them. However, legislators are permitted to submit requests for consideration that would require the committee to formally vote on the measure. New York utilizes companion bills in the opposite chamber that contain identical text to expedite the legislative process. A bill may be substituted for its companion in the opposite chamber if that bill has already undergone the committee process in its chamber of origin, although having a companion is not necessary for passage. Any bill that requires an expenditure of state funds must go to the Assembly Ways and Means Committee or the Senate Finance Committee. When the Speaker of the Assembly and the Senate President both co-sponsor a bill, it is extremely likely to be approved by the Governor.

If the measure receives a public hearing, members of the public may testify on the bill, and legislators may amend or substitute the measure. All meetings are open to the public, although the committee can elect to hold an executive session to discuss measures in private by a simple majority vote. The Senate is permitted to vote on bills during an executive session, but the Assembly is not. Bills are read for the second time after being reported out of committee. After second reading, bills are placed on third reading the following legislative day. Bills in New York require three readings for final passage in each chamber. Bills may be amended on any reading as long as the amendments are germane to the original bill. A common method of killing a bill is to amend it by striking the enacting clause. The Governor has the power to issue a “message of necessity” which allows legislation to forego the three-day aging period and be brought to an immediate vote.

New York’s budget process occurs on an annual basis and contains policy and appropriations. The Governor sends a balanced proposal in the form of various appropriations bills. The proposal and appropriations bills are considered in the Senate Finance Committee and the Assembly Ways and Means Committee, and hearings are held in subcommittees with different jurisdictions over the budget. Once both chambers passed their own respective budget bills, a conference committee is appointed to resolve the differences between the two versions. After passage, the final budget is sent to the Governor for approval.

Effective Date: 60 days after becoming law

NEW YORK

A.B. 2859 - WORKERS’ COMPENSATION (GENERAL)

Summary:

Current version (6/9/2017): This measure allows physical therapy assistants to provide treatment for

workers' compensation if they are supervised by a licensed physical therapist. This measure would prohibit a certified physical therapist from performing independent medical examinations.

Governor Andrew Cuomo (D) veto message

(11/29/2017): <http://www.nystatewatch.net/www/NY/17R/pdf/NY17RAB02859VET.pdf>

Current version (6/9/2017): <http://legislation.nysenate.gov/pdf/bills/2017/A2859B>

Amended version (5/31/2017): <http://legislation.nysenate.gov/pdf/bills/2017/A2859A>

Introduced version: <http://legislation.nysenate.gov/pdf/bills/2017/A2859>

Status:

Introduced; referred to Assembly Labor Committee 1/23/2017. Amended 5/31/2017. Hearing held; passed Committee; referred to Assembly Rules Committee 6/7/2017. Amended; re-referred to Assembly Rules Committee 6/9/2017. Off the floor meeting held; passed Committee 6/14/2017. Passed Assembly; referred to Senate Rules Committee 6/15/2017. Substituted for companion; passed Senate 6/19/2017. Sent to Governor Andrew Cuomo (D) 11/20/2017. Vetoed by Governor Andrew Cuomo (D) 11/29/2017. Failed upon adjournment 12/31/2018

State Outlook:

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New York's budget process occurs on an annual basis and contains policy and appropriations. The Governor sends a balanced proposal in the form of various appropriations bills. The proposal and appropriations bills are considered in the Senate Finance Committee and the Assembly Ways and Means Committee, and hearings are held in subcommittees with different jurisdictions over the budget. Once both chambers passed their own respective budget bills, a conference committee is appointed to resolve the differences between the two versions. After passage, the final budget is sent to the Governor for approval.

Effective Date: 60 days after becoming law

NEW YORK

A.B. 6602 - WORKERS' COMPENSATION (GENERAL)

Summary:

This measure stipulates that in all cases of permanent partial disability, compensation shall be calculated beginning on the specific date of injury.

Any difference in compensation rate paid during a period of temporary disability and the rate of payment after classification of permanent disability shall be paid by the employer or credited to the employer in weekly installments during the continuance of payments for such permanent partial disability.

[http://statelink.stateside.com/Attachments/300960_Read_Bill - AB 6602 - As Filed.pdf](http://statelink.stateside.com/Attachments/300960_Read_Bill_-_AB_6602_-_As_Filed.pdf)

Status:

Introduced; referred to Assembly Labor Committee 3/9/2017. Enacting clause stricken 6/29/2017. Failed upon adjournment 12/31/2018.

State Outlook:

The Democratic Party controls the Assembly as well as the Governor's Office, and the Senate is controlled by a coalition of the Republican Party and the Independent Democratic Conference (IDC). The Legislature convenes on the Wednesday after the first Monday in January and usually adjourns towards the end of June; however, members can be called back at any time. When a bill is introduced, it may be referred to a committee. Committees are not required to hear every bill referred to them. However, legislators are permitted to submit requests for consideration that would require the committee to formally vote on the measure. New York utilizes companion bills in the opposite chamber that contain identical text to expedite the legislative process. A bill may be substituted for its companion in the opposite chamber if that bill has already undergone the committee process in its chamber of origin, although having a companion is not necessary for passage. Any bill that requires an expenditure of state funds must go to the Assembly Ways and Means Committee or the Senate Finance Committee. When the Speaker of the Assembly and the Senate President both co-sponsor a bill, it is extremely likely to be approved by the Governor.

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New York’s budget process occurs on an annual basis and contains policy and appropriations. The Governor sends a balanced proposal in the form of various appropriations bills. The proposal and appropriations bills are considered in the Senate Finance Committee and the Assembly Ways and Means Committee, and hearings are held in subcommittees with different jurisdictions over the budget. Once both chambers passed their own respective budget bills, a conference committee is appointed to resolve the differences between the two versions. After passage, the final budget is sent to the Governor for approval.

Effective Date: 90 days after adjournment.

NEW YORK

A.B. 6797 - WORKERS' COMPENSATION (GENERAL)

Summary:

Current version (6/9/2017): This measure allows the Chair of the Workers' Compensation Board to set a fee schedule for massage therapy services for injured employees. Licensed massage therapist are prohibited from performing independent medical examinations.

Current version (6/9/2017): <http://legislation.nysenate.gov/pdf/bills/2017/A6797A>

Introduced version: <http://legislation.nysenate.gov/pdf/bills/2017/A6797>

Status:

Introduced; referred to Assembly Labor Committee 3/17/2017. Off the floor meeting held; passed Committee; referred to Assembly Ways and Means Committee 6/7/2017. Amended; re-referred to Assembly Ways and Means Committee 6/9/2017. Off the floor meeting held; passed Committee; referred to Assembly Rules Committee; off the floor meeting held; ordered to third reading 6/19/2017. Passed Assembly; referred to Senate Rules Committee 6/20/2017. Returned to Assembly 1/3/2018. Passed Assembly; referred to Senate Labor Committee 4/17/2018. Failed upon adjournment 12/31/2018.

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Effective Date: Upon becoming law

NEW YORK

S.B. 515 - WORKERS' COMPENSATION (GENERAL)

Summary:

This measure allows boards of cooperative educational services to establish workers' compensation reserve funds. <http://legislation.nysenate.gov/pdf/bills/2017/S515>

Status:

Introduced; referred to Senate Local Government Committee 1/4/2017. Hearing held; passed Committee 1/31/2017. Passed Senate; referred to Assembly Local Governments Committee 6/8/2017. Hearing held; passed Committee 1/23/2018. Passed Senate; referred to Assembly Local Governments

Committee 6/4/2018. Failed upon adjournment 12/31/2018.

State Outlook:

The Democratic Party controls the Assembly as well as the Governor's Office, and the Senate is controlled by a coalition of the Republican Party and the Independent Democratic Conference (IDC). The Legislature convenes on the Wednesday after the first Monday in January and usually adjourns towards the end of June; however, members can be called back at any time. When a bill is introduced, it may be referred to a committee. Committees are not required to hear every bill referred to them. However, legislators are permitted to submit requests for consideration that would require the committee to formally vote on the measure. New York utilizes companion bills in the opposite chamber that contain identical text to expedite the legislative process. A bill may be substituted for its companion in the opposite chamber if that bill has already undergone the committee process in its chamber of origin, although having a companion is not necessary for passage. Any bill that requires an expenditure of state funds must go to the Assembly Ways and Means Committee or the Senate Finance Committee. When the Speaker of the Assembly and the Senate President both co-sponsor a bill, it is extremely likely to be approved by the Governor.

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New York's budget process occurs on an annual basis and contains policy and appropriations. The Governor sends a balanced proposal in the form of various appropriations bills. The proposal and appropriations bills are considered in the Senate Finance Committee and the Assembly Ways and Means Committee, and hearings are held in subcommittees with different jurisdictions over the budget. Once both chambers passed their own respective budget bills, a conference committee is appointed to resolve the differences between the two versions. After passage, the final budget is sent to the Governor for approval.

Effective Date: Immediately

NEW YORK

S.B. 6666 - WORKERS' COMPENSATION (GENERAL)

Summary:

This measure allows the care and treatment of injured employees by an acupuncturist under the workers' compensation program. The measure allows the Chair of the Workers' Compensation Board to

prepare and establish a schedule of charges and fees for acupuncture treatment and care. Governor Andrew Cuomo veto message (12/28/2018): Text is not available.

<http://legislation.nysenate.gov/pdf/bills/2017/S6666>

Status:

Introduced; referred to Senate Rules Committee 6/12/2017. Referred to Senate Labor Committee 1/3/2018. Discharged from Committee; referred to Senate Rules Committee; off the floor meeting; ordered directly to third reading; passed Senate; referred to Assembly Ways and Means Committee 6/14/2018. Discharged from Committee; substituted for companion; passed Senate 6/19/2018. Sent to Governor Andrew Cuomo (D) 12/18/2018. Vetoed by Governor Andrew Cuomo (D) 12/28/2018. Failed upon adjournment 12/31/2018.

State Outlook:

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Effective Date: 120 days after becoming law

OHIO

H.B. 268 - WORKERS' COMPENSATION (GENERAL)

Summary:

Current version (10/11/2017): This measure makes changes to workers' compensation law with respect to self-insuring employers. The measure requires the Administrator of Worker Safety and Rehabilitation to waive the solvency requirements for participation in the self-insurance program if an employer has a rating of Ba2 or higher according to Moody's Investors Service, Inc. or a comparable rating by a similar agency.

The measure allows the Administrator to require an employer to obtain a letter of credit, bond, or another form of security to ensure the employer's solvency as a condition of self-insurance. The measure requires self-insuring employers to pay a contribution to the self-insuring employers' guaranty B fund and allows the Bureau of Workers' Compensation to recover the amounts paid as a result of the default.

Current version (10/11/2017): http://search-prod.lis.state.oh.us/cm_pub_api/api/unwrap/chamber/132nd_ga/ready_for_publication/committee_docs/cmte_h_insurance_1/submissions/cmte_h_insurance_1_2017-10-11-1000_754/sub_hb_248_I_132_0581-2.pdf

Introduced version: http://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_132/bills/hb268/IN/00?format=pdf

Status:

Introduced 6/12/2017. Referred to House Insurance Committee 6/20/2017. Hearing held 9/13/2017. Hearing held; substituted 10/11/2017. Hearing held 11/1/2017. Hearing held 12/13/2017. Failed upon adjournment 12/31/2018.

State Outlook:

The Republican Party controls the House of Representatives and the Senate, as well as the Governor's Office. Legislative sessions in Ohio last two years, convening the first Monday in January during odd-numbered years. Ohio is a year-round Legislature and recesses several times throughout the year. Bills left pending at the end of a session in an odd-numbered year may be carried over to the following session in subsequent even-numbered year.

All introduced bills must first be referred to either the House Rules and Reference Committee or the Senate Reference Committee, where they will then be referred to a standing committee. Committees are required to hear every bill referred to them. Typically, measures receive at least three committee hearings prior to a committee vote. A sponsor is permitted to provide testimony during the measure's first hearing, proponents are permitted to provide testimony during the second hearing, and opponents and third parties are permitted to provide testimony during the third hearing. If the bill passes the

committees of referral, it is reported to the floor for a second reading, where it can be debated and amended. Bills in Ohio require three readings for final passage in each chamber and may be amended on third reading. After the measure has passed both chambers, the final bill is sent to the Governor for action.

Ohio's budget process occurs on a biennial basis and contains policy and appropriations. The budget process begins with hearings in the House Finance Committee, where legislators hear testimony and amend the bill for an extended period. Once out of committee, the bills go to the floor for debate and approval and then moves to the Senate for further consideration, where the process repeats itself. After the bill passes the Senate, a conference committee is appointed to resolve differences. After final passage, the measure goes to the Governor for action.