

Testimony before House Commerce Committee

HB 2558

February 9, 2012

By Deputy Secretary Kathie Sparks

Mr. Chairman and Members of the House Committee on Commerce:

I appear today to testify in support of House Bill 2558, an act concerning workers compensation. House Bill 2558's eight sections provide some cleanup of the workers compensation statutes as they relate to administration of the state workers compensation self-insurance fund, as well as providing a more efficient, common sense approach to handling cases where a party seeks a change in an administrative law judge.

Section 1

This section makes a change requiring the state fair board to notify the secretary of health and environment of the effective date of any workers compensation policy acquired pursuant to K.S.A. 2-224a. This is a change from current statute requiring the state fair board to notify the secretary of administration.

Section 2

Similar to Section 1 of the bill, this section changes a reference from secretary of administration to alth and environment.

Section 3

This section makes a grammatical correction, changing "insure" to "ensure" as the statute relates to making sure something happens, not insuring as in insurance.

This section also changes the process for changing administrative law judges when there is a potential conflict of interest. Under this law change the attorneys would first file with the Administrative Law Judge (ALJ) which is current practice. If resolution is not reached, the attorney would be afforded the opportunity to appeal to the Director of Workers Compensation. Under the current law, we are not given an opportunity to work with the situation and try and resolve the differences between the ALJ and the attorney. This action would provide an additional step as going to the district court as a step is the least desirable way in which to mediate any problem.

Section 4

This section removes the requirement that proceedings for compensation must be commenced within 200 days of the accident, medical or disability payment or one year after the death to conform to other provisions of HB 2134.

Sections 5, 6, and 7

Again, this section changes administration of the state workers compensation self-insurance fund from the Secretary of Administration to the Secretary of Health and Environment. It also places the State Workplace Health and Safety Program into the hands of the KDHE and the Industrial Safety and Health Division of KDOL.

Section 8

This section places the responsibility for estimating expenses necessary for the administration of the workers compensation law from the Director of Workers Compensation to the Secretary of Labor which codifies current practice.