

MINUTES OF THE SENATE COMMERCE COMMITTEE

The meeting was called to order by Chairperson Karin Brownlee at 8:30 A.M. on January 26, 2006 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Helen Pedigo, Revisor of Statutes
Jackie Lunn, Committee Secretary

Conferees appearing before the committee:

Dick Thomas, Division of Workers Compensation

Others attending:

See attached list.

Chairperson Brownlee opened the meeting asking if there were any bill introductions. With no bill introductions Chairperson Brownlee introduced Dick Thomas representing the Kansas Department of Labor's Division of Workers Compensation.

Mr. Thomas stated he was appearing on behalf of the Director of the Kansas Department of Labor's Division of Workers Compensation, Paula Greathouse. Chairperson Brownlee asked Mr. Thomas when the annual report would be available. Mr. Thomas stated it would be finalized this week and after that it would be published to the website which usually takes about two weeks. Chairperson Brownlee asked Mr. Thomas if he could go over the data in the annual report and he stated the Secretary would not allow any information released until the report is finalized. Mr. Thomas stated he would make a copy as soon as it was on the website and deliver it to Chairperson Brownlee. Chairperson Brownlee recognized Senator Barone who asked Mr. Thomas questions regarding the medical fee schedules for Workers Compensation and if they had been updated in December 2005. Mr. Thomas stated the medical schedules had been updated but he did not have that information and would refer Senator Barone's requests to Dr. Tracy. The discussion continued with the Committee. The Committee had many concerns regarding the medical fee schedule. Senator Reitz joined the discussion with his concerns along those same lines and requested that Mr. Thomas have Dr. Tracy come before the Committee to discuss the medical schedules in detail.

Upon on the conclusion of the discussion with the Committee, Mr. Thomas gave a brief update on the Kansas Department of Labor's Division of Workers Compensation. (Attachment 1) After finishing the update, Mr. Thomas presented the *Kansas Workers Compensation Legal Flow documentation*. (Attachment 2). The Committee had concerns regarding who would be liable if an insurance company refused to pay for treatment after the insurance company had been ordered by a Workers Compensation Administrative Law Judge to do so. Mr. Thomas stated if an insurance company refused treatment a claim should be made with the Insurance Commissioner and they could invoke sanctions on the insurance company. The Committee asked Mr. Thomas if he could outline how that process worked with the Insurance Commissioner and he stated he did not have that information. Upon conclusion of Mr. Thomas' review, Chairperson Brownlee stated that she would send a letter to Sec. Garner for an update on the trends in Workers Compensation over the past three years and would like for the Secretary to come before the Committee and present that information.

Meeting adjourned at 9:05 a.m. with the next meeting scheduled for Friday, January 27, 2006.