

***NWCEF and Workers'
Compensation Issues
Pending in the Legislature***

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Bills Relating to Workers' Compensation

- Hold Over Bills:
 - LB 141—prohibit disclosure of First Reports
 - LB 153—eliminate “regular charge” protection
 - LB 184—reduce interest rate on awards
 - LB 245—requires patient waiver
 - LB 262—eliminate safety committees
 - LB 272—make First Reports confidential



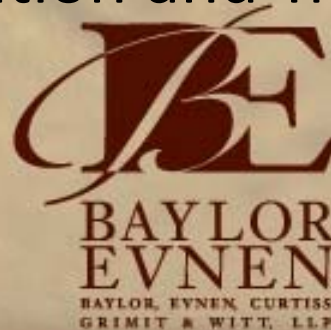
Bills Relating to Workers' Compensation

- Hold Over Bills:
 - LB 291—Ties modification attempts to actual date of disability—eliminates 6 month waiting period
 - LB 341—stream line compliance with Child Support Liens
 - LB 346—provide contempt power to WCC
 - LB 348—“prevailing factor” to be compensable
 - LB 506—Survivor benefits in OD based on wages when last employed v. date of death



Bills Relating to Workers' Compensation

- New Bills This Session:
 - LB 738—Funeral Benefit from \$6000-\$10,000
 - LB 906—Funeral Benefit 13 x State AWW; \$25,000 to estate of employee with no dependents
 - LB 909—Employee Misrepresentation
 - LB 967—Interest Rate on Award 14% to 10%
 - LB 1008—Utilization and Treatment Guidelines



Bills Relating to Workers' Compensation

- New Bills this Session:
 - LB 1012—No Temporary Benefits if:
 - Incarceration
 - Termination for Cause
 - Unreasonable Refusal to Treat
 - Refusal to RTW within restrictions
 - LB 1151—Repeal “mental-mental” sunset



The Latest Developments

- LB 1151 prioritized
- Tentative Discussions re Limited Compromise
 - Gut LB 1151 elimination of sunset
 - Reinstate Employee Misrepresentation Rule
 - Funeral Benefit Increase to \$10,000



Future Initiatives

- Further Discussion of LB 1008, Utilization and Treatment Guidelines
 - Scientific Based Medicine
 - Better Treatment
 - Faster Treatment
 - Fewer disputes
 - Faster payments to providers
 - Lower Costs



Did you Know?

- Workers' Compensation system is the result of grand compromise:
 - Employers:
 - Gave up traditional tort defenses, i.e., negligence
 - Agreed to no-fault system
 - In exchange for limited benefits
 - Employees:
 - Agreed to limited benefits to avoid tort defenses



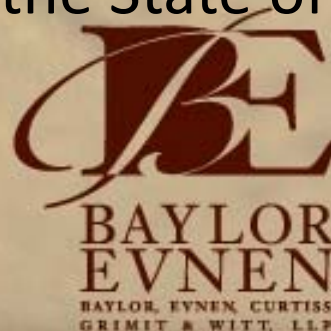
Did you Know?

- So each time the Legislature or Judicial Branch increases benefits, there is risk that the grand compromise is not thrown out of balance.
- That's what NWCEF does.



TRUE OR FALSE?


- Workers' Compensation:
 - Is perceived by some governmental representatives as a cost borne only by insurance companies.
 - True
 - Costs directly impact the ability of Nebraska businesses to compete.
 - True
 - Is one of several forms of insurance that is mandated for employers by the State of Nebraska.
 - False



TRUE OF FALSE?

- The amounts that employers pay for medical and health services in the workers' compensation system are the same as health insurers pay.
 - False. Employers are forced to reimburse medical providers at levels which almost always exceed that of any other reimbursement system.





A Collaborative Approach to Creating Equity and Fairness

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NWCEF Welcomes You To Our Website

Nebraskans for Workers' Compensation Equity and Fairness (NWCEF) exists to analyze workers' compensation laws and issues, and to seek equitable means of providing workers' compensation coverage to Nebraska workers.

Changes in legislation, as well as judicial decisions, are causing employers to collaborate to affect change. By becoming a member of NWCEF you will be joining forces with other Nebraska business leaders in their effort to promote balance to workers' compensation in Nebraska.

To contact a NWCEF Representative [click here](#)

In The News

**NWCEF To Host Small Business
Day**
Posted on 02/07/2012

**NCCI: Nebraska Workers'
Compensation State Advisory
Forum Presentation**
Posted on 01/27/2012

**Annual NWCEF Seminar—Save The
Date!**
Posted on 01/16/2012

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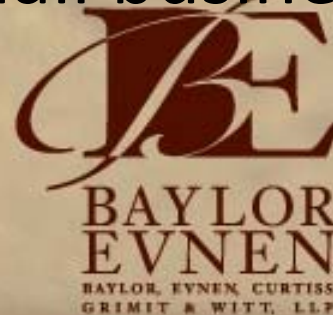
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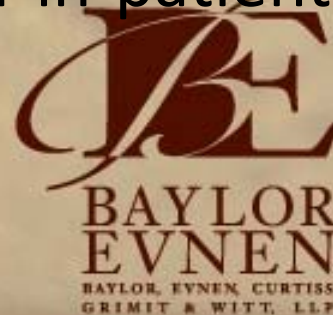
ABOUT NWCEF

- The **only** Nebraska-based organization focusing solely upon workers' compensation reform.
- Is recognized by many Nebraska legislators as the leading “**voice of business**” regarding workers' compensation issues.
- A **broad-based membership** including corporations, small businesses and insurance carriers.



NWCEF MAJOR ACCOMPLISHMENTS

- Annually promoted **affirmative** workers' compensation **legislation** to counter the judicial erosion, expansion and increased cost of the system.
- Driving force behind rule changes to result in **7%** across-the-board **reduction** in physician's fees.
- Catalyst for legislation which resulted in **\$29 million** annual reduction in hospital payments.
- Catalyst for legislation that will result in **\$3.4 million** savings per year for in-patient trauma services.



NWCEF MAJOR ACCOMPLISHMENTS

- Every year **successfully opposed** multiple attempts by trial lawyers and unions to expand and increase the costs of the system.
- Passed legislation to **level the playing field** for employers who play by the rules to prohibit intentional misclassification of employees to reduce premiums and gain an unfair competitive advantage.



Value of Membership

- Be **a part of the solution**.
- Your membership dues will help NWCEF:
 - keep your **insurance rates** as **low** as possible.
 - continue to promote legislation which maintains the compromise and **reduces the costs** of workers' compensation.
 - Provide access to members-only information—a virtual “**one-stop shop**” for all things relating to workers' compensation in Nebraska.



Value of Membership

- **Receive timely information** about Changes proposed to Nebraska's workers' compensation system.
- Opportunity to participate in **members-only discussions** on our LinkedIn page.
- Attendance at **annual seminar at no cost.**



Dues Structure

- Annual membership dues are minimal and based on your company size:
 - 1 – 10 Employees - \$75
 - 11 – 25 Employees - \$150
 - 26 – 50 Employees - \$250
 - 51 – 250 Employees - \$500
 - More than 250 Employees - \$1,000
 - Non-Profit Organization Program - \$1,000



SAVE THE DATE!

- NWCEF Annual Seminar:
 - March 27th
 - Mahoney State Park
 - Mock Trial—Judge Coe Presiding
 - RTW Panel with Dr. LaHolt, employer, adjuster, NCM
 - Senator Lautenbaugh re Legislation
 - Latest information regarding insurance rates
 - How to manage WC claims to avoid employment claims



QUESTIONS?

