HOUSE BILL NO. 306

INTRODUCED BY GOULD

IN THE HOUSE

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January 22, 1979		Introduced and referred to Committee on Labor and Employment Relations.
February 2, 1979		Committee recommend bill do pass as amended. Report adopted.
February 3, 1979		Printed and placed on members' desks.
February 5, 1979		Second reading, do pass.
February 6, 1979		Considered correctly engrossed.
February 7, 1979		Third reading, passed. Transmitted to second house.
II	N THE SEN	ATE
February 8, 1979		Introduced and referred to Committee on Labor and Employment Relations.
March 2, 1979		Committee recommend bill be concurred in. Report adopted.
March 5, 1979		Second reading, concurred in.
March 7, 1979		Third reading, concurred in.
II	N THE HOU	SE
March 8, 1979		Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REQUIRED REHABILITATION PROGRAMS UNDER CERTAIN CONDITIONS FOR INDIVIDUALS RECEIVING WORKERS* COMPENSATION BENEFITS.**

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Required rehabilitation. (1) The division may, under the provisions and procedures set forth in this section, require a claimant to pursue a vocational rehabilitation course in order to be entitled to continued workers* compensation benefits.

- (2) The division shall make a determination, on a case-by-case basis, of the availability and appropriateness of a rehabilitation program for a claimant receiving workers' compensation benefits. The determination shall be made only after consultation with the department of social rehabilitation services and division-sanctioned rehabilitation committees that are able to provide competent information regarding the rehabilitation of a claimant.
- (3) If the division determines that a rehabilitation program is feasible and appropriate for a claimant receiving workers* compensation benefits, the division must require the claimant to enter into the program. If a claimant

- 1 refuses to enter the program, the claimant's biweekly 2 benefits may be ordered terminated. The division must notify
- the claimant within 5 days upon issuing such an order.

benefits termination order.

- (4) Within 10 days of receipt of the benefits termination order, a claimant may request a hearing before a workers* compensation judge regarding the feasibility or appropriateness of the rehabilitation program. After the hearing the judge must approve or deny the division's
- 10 (5) A claimant is entitled to retroactive biweekly 11 benefits only when a workers' compensation judge denies the 12 division's benefits termination order.

-End-

46th Legislature HB 0306/02

Approved by Committee on Labor & Employment Relations

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HB 0306/02

- (4) Within-18-doys-of--receipt-of--the--benefits

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- (5) A-cloimont-is--entitled--to--retroactive--biweekly benefits--only-when-s-workers*-compensation-judge-denies-the division*s-benefits-termination-orderv IE A CLAIMANI DOES NOT REQUEST A HEARING AND BENEFITS ARE TERMINATED. AND SUBSEQUENTLY THE CLAIMANI REQUESTS A HEARING. THE CLAIMANT IS ENTITLED TO RETROACTIVE WEEKLY BENEFITS FOR A MAXIMUM DE 8 HEEKS FROM THE DATE OF REQUEST FOR HEARING: AND TO CONTINUED HEEKLY BENEFITS PENDING A DECISION BY THE WORKERS: COMPENSATION JUDGE.

-End-

-2- HB 306 S F C O N D R F A D I N G

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refuses to enter the program, the claimant's biweekly benefits may be ordered terminated. The-division-must-notify 3 the-claimant-within-5-days-upon-issuing-such-an-orders

- (4) Within-18-days-of--receipt--ef---the---benefits termination-ordery-a-claimant-may-request-a-hearing-before-a workers*--compensation--iudae--regarding--the-feesibility-or 7 appropriateness-of-the--rehabilitation--program---After--the hearing-the--judge--must--approve--or--deny--the-division*s benefits-termination-ordery ANY_DRDER__IERNINATING__BENEFITS MAY ONLY BE ISSUED AFTER THE CLAIMANT HAS AN OPPORTUNITY FOR 10 A HEARING BEFORE A WORKERS! COMPENSATION JUDGE REGARDING THE 11 FEASIBILITY AND APPROPRIATENESS OF THE REHABILITATION 12 13 PROGRAM. AFTER THE HEARING. THE JUDGE MAY APPROVE OR DENY THE DIVISION'S DETERMINATION REGARDING THE FEASIBILITY OR 14 15 APPROPRIATENESS OF THE PROPOSED REHABILITATION PROGRAM.
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-End-

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-End-