

CHAPTER NO. 123.

HOUSE BILL NO. 306

INTRODUCED BY GOULD

IN THE HOUSE

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.

IN THE SENATE

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.

IN THE HOUSE

March 8, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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 2 INTRODUCED BY [Signature]  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REQUIRED  
 5 REHABILITATION PROGRAMS UNDER CERTAIN CONDITIONS FOR  
 6 INDIVIDUALS RECEIVING WORKERS' COMPENSATION BENEFITS."  
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

14 (2) The division shall make a determination, on a  
 15 case-by-case basis, of the availability and appropriateness  
 16 of a rehabilitation program for a claimant receiving  
 17 workers' compensation benefits. The determination shall be  
 18 made only after consultation with the department of social  
 19 and rehabilitation services and division-sanctioned  
 20 rehabilitation committees that are able to provide competent  
 21 information regarding the rehabilitation of a claimant.

22 (3) If the division determines that a rehabilitation  
 23 program is feasible and appropriate for a claimant receiving  
 24 workers' compensation benefits, the division must require  
 25 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  
 3 the claimant within 5 days upon issuing such an order.

4 (4) Within 10 days of receipt of the benefits  
 5 termination order, a claimant may request a hearing before a  
 6 workers' compensation judge regarding the feasibility or  
 7 appropriateness of the rehabilitation program. After the  
 8 hearing the judge must approve or deny the division's  
 9 benefits termination order.

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-

-2- HB 306  
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Approved by Committee  
on Labor & Employment  
Relations

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10 ~~MAY ONLY BE ISSUED AFTER THE CLAIMANT HAS AN OPPORTUNITY FOR~~  
11 ~~A HEARING BEFORE A WORKERS' COMPENSATION JUDGE REGARDING THE~~  
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13 ~~PROGRAM. AFTER THE HEARING, THE JUDGE MAY APPROVE OR DENY~~  
14 ~~THE DIVISION'S DETERMINATION REGARDING THE FEASIBILITY OR~~  
15 ~~APPROPRIATENESS OF THE PROPOSED REHABILITATION PROGRAM.~~

16 (5) ~~A claimant is entitled to retroactive biweekly~~  
17 ~~benefits only when a workers' compensation judge denies the~~  
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20 ~~SUBSEQUENTLY THE CLAIMANT REQUESTS A HEARING, THE CLAIMANT~~  
21 ~~IS ENTITLED TO RETROACTIVE WEEKLY BENEFITS FOR A MAXIMUM OF~~  
22 ~~8 WEEKS FROM THE DATE OF REQUEST FOR HEARING, AND TO~~  
23 ~~CONTINUED WEEKLY BENEFITS PENDING A DECISION BY THE WORKERS'~~  
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