

HOUSE BILL NO. 373

INTRODUCED BY DARKO, STANG, ADDY, HARRINGTON, CONNELLY,
C. SMITH, JONES, DRISCOLL, HARPER, RAPP-SVRCEK, VAUGHN

IN THE HOUSE

JANUARY 21, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
FEBRUARY 11, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 12, 1987	PRINTING REPORT.
FEBRUARY 13, 1987	SECOND READING, DO PASS.
FEBRUARY 14, 1987	ON MOTION, TAKEN FROM ENGROSSING AND REREFERRED TO COMMITTEE ON APPROPRIATIONS. ENGROSSING REPORT.
MARCH 20, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 21, 1987	PRINTING REPORT.
MARCH 25, 1987	SECOND READING, DO PASS AS AMENDED.
MARCH 26, 1987	ENGROSSING REPORT.
MARCH 27, 1987	THIRD READING, PASSED. AYES, 89; NOES, 3. TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 31, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
APRIL 6, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 7, 1987	SECOND READING, CONCURRED IN.

APRIL 8, 1987

THIRD READING, CONCURRED IN.
AYES, 49; NOES, 1.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 9, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 *Connelly* House BILL NO. 373
 2 INTRODUCED BY *Darko Stang Hillis Harvick*
 3 *C. Smith Jones David Hager Jeff Brock Dwyer*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 5 DIVISION OF WORKERS' COMPENSATION TO EMPLOY NECESSARY STAFF
 6 TO ENSURE TIMELY PROCESSING OF CLAIMS; PROVIDING GUIDELINES
 7 FOR DETERMINING STAFFING NEEDS; AMENDING SECTIONS 39-71-203
 8 AND 39-71-604, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 9 DATE."

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

12 Section 1. Section 39-71-203, MCA, is amended to read:
 13 "39-71-203. Powers of division -- staffing. (1) The
 14 division is hereby vested with full power, authority, and
 15 jurisdiction to do and perform any and all things, whether
 16 herein specifically designated or in addition thereto, which
 17 are necessary or convenient in the exercise of any power,
 18 authority, or jurisdiction conferred upon it under this
 19 chapter.

20 (2) The division shall employ sufficient personnel to
 21 allow it to meet the claims processing goals contained in
 22 39-71-604. The division shall implement staffing patterns
 23 that are supported by indicators of workload. The indicators
 24 of workload must be comparable to those of other western
 25 state workers' compensation programs. The employee number

1 may not be greater than 10% above the average staffing level
 2 of the other western state workers' compensation programs
 3 used to determine indicators of workload.

4 (3) The division administrator shall submit a revised
 5 operation plan to the budget office and the legislative
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 7 are necessary to implement the provisions of subsection (2).

8 (4) Funds from the state special revenue fund shall be
 9 used to implement subsection (2)."

10 Section 2. Section 39-71-604, MCA, is amended to read:

11 "39-71-604. Application for compensation. (1) Where a
 12 worker is entitled to benefits under this chapter, the
 13 worker shall file with the insurer or the division all
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 15 compensability. It is the duty of the worker's attending
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 18 as may be required by the rules of the division without
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22 (2) Where death results from an injury, the parties
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1 relationship, showing the parties entitled to compensation,
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4 (3) The division shall process all claims for
5 compensation within 14 days after initial acceptance of
6 liability for a claim."

7 NEW SECTION. Section 3. Extension of authority. Any
8 existing authority of the division of workers' compensation
9 to make rules on the subject of the provisions of this act
10 is extended to the provisions of this act.

11 NEW SECTION. Section 4. Effective date. This act is
12 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB373, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the Division of Workers' Compensation to employ necessary staff to ensure timely processing of claims; providing guidelines for determining staffing needs; amending sections 39-71-203 and 39-71-604, MCA; and providing an immediate effective date.

ASSUMPTIONS:

1. The current level of policyholders will be maintained.
2. The current level of the claims open casefile for the State Fund is 8,639 and will remain the same or decrease.
3. Detailed research and analysis of other states' ratios of claims caseload per examiner will take approximately one year.
4. Additional personnel requested in the Division's FY87 supplemental appropriation request will be approved and will continue into 1988 and 1989.
5. Additional personnel requested in the Division's modified level budget for 1988 and 1989 will be approved.
6. If additional claims examiners are hired to deal with an increased open casefile, the need for additional support personnel will be analyzed. Support personnel will be hired if the need is demonstrated.
7. Other states and insurance companies attempt to maintain a claims caseload of 300 -350 claims per examiner.
8. An unofficial survey of the claims caseload per examiner follows:

Nevada	300
Idaho	314
Arizona	260
Colorado	340
Utah	380 (are requesting additional examiners)
Oklahoma	290
Oregon:	
Senior examiners	125 - 150
Junior examiners	200 - 250
Washington	500 (after reorganization, will be 400 - no settlements)
Montana	540

David L. Hunter DATE 1/24/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Paula A. Darko DATE 1/26/87
 PAULA DARKO, PRIMARY SPONSOR

Fiscal Note for HB373, as introduced.

HB 373

FISCAL IMPACT:
Expenditures:

	<u>FY89</u>	
	<u>Existing Law</u>	<u>Proposed Law</u>
Personal Services	-0-	\$250,551
Operating Expenses	-0-	Unknown
Equipment	-0-	\$ 51,150
Total	-0-	\$301,701

Costs would be paid from State Special Revenue Fund.

Revenues:
None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:
N/A

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

If the open casefile remains the same as it is now, the personal services and operational costs will continue in future years. Equipment costs pertain only to FY89.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:
N/A

APPROVED BY COMM. ON
BUSINESS AND LABOR

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division is hereby vested with full power, authority, and
jurisdiction to do and perform any and all things, whether
herein specifically designated or in addition thereto, which
are necessary or convenient in the exercise of any power,
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chapter.

(2) The division shall employ sufficient personnel to
allow it to meet the claims processing goals contained in
39-71-604. The division shall implement staffing patterns
that are supported by indicators of workload. The indicators
of workload must be comparable to those of other western

~~state workers' compensation programs. The employee number
may not be greater than 10% above the average staffing level
of the other western state workers' compensation programs
used to determine indicators of workload.~~ THE OPEN FILE IS
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OF OPEN CLAIMS PER CLAIMS EXAMINER MAY NOT BE LESS THAN 300.
THE CLAIMS SUPPORT STAFF, INCLUDING THE FILE, MEDICAL PAY,
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EXAMINER. THE ADMINISTRATIVE AND UNDERWRITING STAFFING MUST
BE BASED ON THE NUMBER OF PREMIUM PAYING POLICYHOLDERS AND
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Section 2. Section 39-71-604, MCA, is amended to read:

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worker is entitled to benefits under this chapter, the
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HB 0373/03
RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS
AS AMENDED

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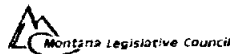
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