

HOUSE JOINT RESOLUTION 33

Introduced by Grimes, et al.

4/17      Introduced  
4/17      Referred to Business & Economic  
              Development  
4/17      First Reading  
4/19      Hearing  
4/19      Committee Report--Bill Passed as Amended  
4/20      2nd Reading Passed  
4/21      3rd Reading Passed  
  
              Transmitted to Senate  
4/21      First Reading  
4/21      Referred to Workers' Compensation Select  
              Committee  
4/22      Hearing  
4/22      Committee Report--Bill Concurred as Amended  
4/24      2nd Reading Concurred  
4/24      3rd Reading Concurred  
  
              Returned to House with Amendments  
4/24      2nd Reading Amendments Concurred  
4/24      3rd Reading Amendments Concurred  
4/28      Signed by Speaker  
4/28      Signed by President  
4/29      Filed with Secretary of State

WHEREAS, rising medical costs are contributing to the problems in the workers' compensation system and have outpaced increases in the general health care system; and

14           WHEREAS, the workers' compensation system could  
15 incorporate many of the cost-containment measures found in  
16 private health insurance plans in order to hold down costs  
17 and still provide the necessary medical coverage to workers;  
18 and

19 WHEREAS, there is a national movement toward health care  
20 reform that could include mandated employer-provided  
21 coverage and government participation in health care  
22 coverage and that could include other reforms that may have  
23 certain cost-containment advantages but that may also have  
24 duplicative coverage and overlapping benefits and  
25 administrative needs with the workers' compensation system;

1 and

2 WHEREAS, other disability programs, including Social

3 Security and programs providing assistance for long-term

4 disability, combined with the passage of the Americans with

5 Disabilities Act of 1990, bring forth other issues that may

6 indicate the need for more comprehensive health care

7 coverage; and

8 WHEREAS, 24-hour coverage is currently under study in

9 many states as an alternative system for providing cash,

10 medical benefits, or both, to injured workers; and

11 WHEREAS, 24-hour coverage could remove many medical

12 issue disputes by providing no-fault medical coverage

13 without affecting other workers' compensation benefits; and

14 WHEREAS, there are many forms of 24-hour coverage that

15 could be explored, including combining workers' compensation

16 and group health insurance claims, while maintaining

17 separate policies, combining work-related and

18 nonwork-related coverage in the same policy, examining

19 employer and worker participation in health care coverage

20 and employer participation in disability coverage, and

21 examining other forms to be explored.

22

23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

24 OF REPRESENTATIVES OF THE STATE OF MONTANA:

25 That the Legislative Council assign an appropriate



1 interim committee to study the feasibility of a 24-hour  
2 health care coverage program in lieu of the medical portion  
3 of workers' compensation and any necessary corresponding  
4 changes in liability coverage and that the study include:

5 (1) the impact, advantages, and disadvantages to  
6 Montana businesses, the existing workers' compensation fund  
7 and insurers, and health care initiatives;

8 (2) possible coordination with any national and state  
9 health care reform or with existing health care programs,  
10 such as managed care networks;

11 (3) possible integration with other disability  
12 programs, such as Social Security;

13 (4) a review of the effects of the Americans with  
14 Disabilities Act of 1990 on the needs of the workers'  
15 compensation system;

16 (5) a review of the other states that have explored  
17 24-hour health care coverage, such as Florida, Maine,  
18 California, Iowa, Colorado, Missouri, Georgia, and Oregon;

19 (6) an exploration of any pilot projects that could be  
20 implemented in Montana;

21 (7) a review of funding sources available for pilot  
22 projects and for other means of implementing workers'  
23 compensation alternatives;

24 (8) a review of the practical and legal problems, such  
25 as federal preemption of the Employee Retirement Income

1 Security Act of 1974 (ERISA), and the exclusive remedy  
2 component;

3 (9) a review of options to provide incentives for  
4 private sector development of specific plans for 24-hour  
5 health care coverage;

6 (10) a summary of the short-term and long-term fiscal  
7 impacts of any proposals; and

8 (11) a review of any studies on 24-hour health care  
9 coverage by other workers' compensation departments, the  
10 insurance industry, or other groups knowledgeable in health  
11 and disability insurance.

12 BE IT FURTHER RESOLVED, that the committee report the  
13 findings of the study, conclusions, and options for  
14 legislative consideration to the 54th Legislature.

-End-

APPROVED BY COMM. ON BUSINESS  
AND ECONOMIC DEVELOPMENT

12 WHEREAS, rising medical costs are contributing to the  
13 problems in the workers' compensation system and have  
14 outpaced increases in the general health care system; and

15           WHEREAS, the workers' compensation system could  
16 incorporate many of the cost-containment measures found in  
17 private health insurance plans in order to hold down costs  
18 and still provide the necessary medical coverage to workers;  
19 and

20 WHEREAS, there is a national movement toward health care  
21 reform that could include mandated employer-provided  
22 coverage and government participation in health care  
23 coverage and that could include other reforms that may have  
24 certain cost-containment advantages but that may also have  
25 duplicative coverage and overlapping benefits and

1 administrative needs with the workers' compensation system;  
2 and

3 WHEREAS, other disability programs, including Social  
4 Security and programs providing assistance for long-term  
5 disability, combined with the passage of the Americans with  
6 Disabilities Act of 1990, bring forth other issues that may  
7 indicate the need for more comprehensive health care  
8 coverage; and

9 WHEREAS, 24-hour coverage is currently under study in  
10 many states as an alternative system for providing cash,  
11 medical benefits, or both, to injured workers; and

12 WHEREAS, 24-hour coverage could remove many medical  
13 issue disputes by providing no-fault medical coverage  
14 without affecting other workers' compensation benefits; and

15 WHEREAS, there are many forms of 24-hour coverage that  
16 could be explored, including combining workers' compensation  
17 and group health insurance claims, while maintaining  
18 separate policies, combining work-related and  
19 nonwork-related coverage in the same policy, examining  
20 employer and worker participation in health care coverage  
21 and employer participation in disability coverage, and  
22 examining other forms to be explored.

23

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
25 OF REPRESENTATIVES OF THE STATE OF MONTANA:



1       That the Legislative Council assign an appropriate A  
2       SPECIAL JOINT interim committee BE ESTABLISHED to study the  
3       feasibility of a 24-hour health care coverage program in  
4       lieu of the medical portion of workers' compensation and any  
5       necessary corresponding changes in liability coverage and  
6       that the study include:

7       (1) the impact, advantages, and disadvantages to  
8       Montana businesses, the existing workers' compensation fund  
9       and insurers, and health care initiatives;

10      (2) possible coordination with any national and state  
11      health care reform or with existing health care programs,  
12      such as managed care networks;

13      (3) possible integration with other disability  
14      programs, such as Social Security;

15      (4) a review of the effects of the Americans with  
16      Disabilities Act of 1990 on the needs of the workers'  
17      compensation system;

18      (5) a review of the other states that have explored  
19      24-hour health care coverage, such as Florida, Maine,  
20      California, Iowa, Colorado, Missouri, Georgia, and Oregon;

21      (6) an exploration of any pilot projects that could be  
22      implemented in Montana;

23      (7) a review of funding sources available for pilot  
24      projects and for other means of implementing workers'  
25      compensation alternatives;

1       (8) a review of the practical and legal problems, such  
2       as federal preemption of the Employee Retirement Income  
3       Security Act of 1974 (ERISA), and the exclusive remedy  
4       component;

5       (9) a review of options to provide incentives for  
6       private sector development of specific plans for 24-hour  
7       health care coverage;

8       (10) a summary of the short-term and long-term fiscal  
9       impacts of any proposals; and

10      (11) a review of any studies on 24-hour health care  
11      coverage by other workers' compensation departments, the  
12      insurance industry, or other groups knowledgeable in health  
13      and disability insurance.

14      BE IT FURTHER RESOLVED, that the committee report the  
15      findings of the study, conclusions, and options for  
16      legislative consideration to the 54th Legislature.

-End-

HOUSE JOINT RESOLUTION NO. 33

INTRODUCED BY GRIMES, BENEDICT, DRISCOLL, HARP, EWER,  
HIBBARD, FORRESTER

5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
6 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
7 INTERIM STUDY OF 24-HOUR HEALTH CARE COVERAGE AND OTHER  
8 ALTERNATIVES TO THE PRESENT WORKERS' COMPENSATION SYSTEM;  
9 AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE  
10 54TH LEGISLATURE.

12 WHEREAS, rising medical costs are contributing to the  
13 problems in the workers' compensation system and have  
14 outpaced increases in the general health care system; and

15 WHEREAS, the workers' compensation system could  
16 incorporate many of the cost-containment measures found in  
17 private health insurance plans in order to hold down costs  
18 and still provide the necessary medical coverage to workers;  
19 and

20 WHEREAS, there is a national movement toward health care  
21 reform that could include mandated employer-provided  
22 coverage and government participation in health care  
23 coverage and that could include other reforms that may have  
24 certain cost-containment advantages but that may also have  
25 duplicative coverage and overlapping benefits and

1 administrative needs with the workers' compensation system;  
2 and

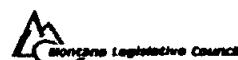
3           WHEREAS, other disability programs, including Social  
4    Security and programs providing assistance for long-term  
5    disability, combined with the passage of the Americans with  
6    Disabilities Act of 1990, bring forth other issues that may  
7    indicate the need for more comprehensive health care  
8    coverage; and

9 WHEREAS, 24-hour coverage is currently under study in  
10 many states as an alternative system for providing cash,  
11 medical benefits, or both, to injured workers; and

12 WHEREAS, 24-hour coverage could remove many medical  
13 issue disputes by providing no-fault medical coverage  
14 without affecting other workers' compensation benefits; and

15 WHEREAS, there are many forms of 24-hour coverage that  
16 could be explored, including combining workers' compensation  
17 and group health insurance claims, while maintaining  
18 separate policies, combining work-related and  
19 nonwork-related coverage in the same policy, examining  
20 employer and worker participation in health care coverage  
21 and employer participation in disability coverage, and  
22 examining other forms to be explored.

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
25 OF REPRESENTATIVES OF THE STATE OF MONTANA:



1       That the Legislative Council--assign--an--appropriate A  
 2       SPECIAL JOINT interim committee BE ESTABLISHED to study the  
 3       feasibility of a 24-hour health care coverage program in  
 4       lieu of the medical portion of workers' compensation and any  
 5       necessary corresponding changes in liability coverage and  
 6       that the study include:

7       (1) the impact, advantages, and disadvantages to  
 8       Montana businesses, the existing workers' compensation fund  
 9       and insurers, and health care initiatives;

10      (2) possible coordination with any national and state  
 11     health care reform or with existing health care programs,  
 12     such as managed care networks;

13      (3) possible integration with other disability  
 14     programs, such as Social Security;

15      (4) a review of the effects of the Americans with  
 16     Disabilities Act of 1990 on the needs of the workers'  
 17     compensation system;

18      (5) a review of the other states that have explored  
 19     24-hour health care coverage, such as Florida, Maine,  
 20     California, Iowa, Colorado, Missouri, Georgia, and Oregon;

21      (6) an exploration of any pilot projects that could be  
 22     implemented in Montana;

23      (7) a review of funding sources available for pilot  
 24     projects and for other means of implementing workers'  
 25     compensation alternatives;

1       (8) a review of the practical and legal problems, such  
 2       as federal preemption of the Employee Retirement Income  
 3       Security Act of 1974 (ERISA), and the exclusive remedy  
 4       component;

5       (9) a review of options to provide incentives for  
 6       private sector development of specific plans for 24-hour  
 7       health care coverage;

8       (10) a summary of the short-term and long-term fiscal  
 9       impacts of any proposals; and

10      (11) a review of any studies on 24-hour health care  
 11     coverage by other workers' compensation departments, the  
 12     insurance industry, or other groups knowledgeable in health  
 13     and disability insurance.

14      BE IT FURTHER RESOLVED, that the committee report the  
 15     findings of the study, conclusions, and options for  
 16     legislative consideration to the 54th Legislature.

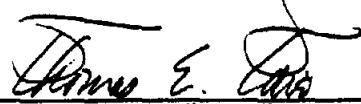
-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 22, 1993

MR. PRESIDENT:

We, your select committee on Workers' Compensation having had under consideration House Joint Resolution No. 33 (third reading copy -- blue), respectfully report that House Joint Resolution No. 33 be amended as follows and as so amended be concurred in.

Signed:   
Senator Thomas E. "Tom" Towe, Chair

That such amendments read:

1. Title, line 8.

Following: "SYSTEM;"

Insert: "AND A REVIEW OF WORKERS' COMPENSATION LEGISLATION PASSED  
BY THE 53RD LEGISLATURE;"

2. Page 3, line 1.

Strike: "A"

Insert: "the Legislative Council assign an appropriate"

3. Page 3, line 2.

Strike: "SPECIAL JOINT"

Strike: "BE ESTABLISHED"

4. Page 3, line 8.

Following: "businesses,"

Insert: "Montana workers,"

5. Page 4, line 9.

Strike: "and"

6. Page 4, line 13.

Strike: ":"

Insert: ";" and

(12) a review of the safety program created under Senate Bill No. 163, the fraud program created under Senate Bill No. 164, the cost containment program created under Senate Bill No. 347, and other programs created and improved by legislation adopted in the 53rd session."

-END-

M- Amd. Coord.  
 Sec. of Senate

Sen. Keating  
Senator Carrying Bill

HJR 33  
SENATE

## 1                   HOUSE JOINT RESOLUTION NO. 33

2                   INTRODUCED BY GRIMES, BENEDICT, DRISCOLL, HARP, EWER,  
3                   HIBBARD, FORRESTER4  
5                   A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
6                   REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN  
7                   INTERIM STUDY OF 24-HOUR HEALTH CARE COVERAGE AND OTHER  
8                   ALTERNATIVES TO THE PRESENT WORKERS' COMPENSATION SYSTEM AND  
9                   A REVIEW OF WORKERS' COMPENSATION LEGISLATION PASSED BY THE  
10                   53RD LEGISLATURE; AND REQUIRING A REPORT OF THE FINDINGS OF  
11                   THE STUDY TO THE 54TH LEGISLATURE.12  
13                   WHEREAS, rising medical costs are contributing to the  
14                   problems in the workers' compensation system and have  
15                   outpaced increases in the general health care system; and16                   WHEREAS, the workers' compensation system could  
17                   incorporate many of the cost-containment measures found in  
18                   private health insurance plans in order to hold down costs  
19                   and still provide the necessary medical coverage to workers;  
20                   and21                   WHEREAS, there is a national movement toward health care  
22                   reform that could include mandated employer-provided  
23                   coverage and government participation in health care  
24                   coverage and that could include other reforms that may have  
25                   certain cost-containment advantages but that may also have1                   1                   duplicative coverage and overlapping benefits and  
2                   2                   administrative needs with the workers' compensation system;  
3                   3                   and4                   4                   WHEREAS, other disability programs, including Social  
5                   5                   Security and programs providing assistance for long-term  
6                   6                   disability, combined with the passage of the Americans with  
7                   7                   Disabilities Act of 1990, bring forth other issues that may  
8                   8                   indicate the need for more comprehensive health care  
9                   9                   coverage; and10                   10                   WHEREAS, 24-hour coverage is currently under study in  
11                   11                   many states as an alternative system for providing cash,  
12                   12                   medical benefits, or both, to injured workers; and13                   13                   WHEREAS, 24-hour coverage could remove many medical  
14                   14                   issue disputes by providing no-fault medical coverage  
15                   15                   without affecting other workers' compensation benefits; and16                   16                   WHEREAS, there are many forms of 24-hour coverage that  
17                   17                   could be explored, including combining workers' compensation  
18                   18                   and group health insurance claims, while maintaining  
19                   19                   separate policies, combining work-related and  
20                   20                   nonwork-related coverage in the same policy, examining  
21                   21                   employer and worker participation in health care coverage  
22                   22                   and employer participation in disability coverage, and  
23                   23                   examining other forms to be explored.24  
25                   NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

1       OF REPRESENTATIVES OF THE STATE OF MONTANA:

2       That the legislative Council assign an appropriate A THE  
 3       LEGISLATIVE COUNCIL ASSIGN AN APPROPRIATE SPECIAL--JOINT  
 4       interim committee BE ESTABLISHED to study the feasibility of  
 5       a 24-hour health care coverage program in lieu of the  
 6       medical portion of workers' compensation and any necessary  
 7       corresponding changes in liability coverage and that the  
 8       study include:

9       (1) the impact, advantages, and disadvantages to  
 10      Montana businesses, MONTANA WORKERS, the existing workers'  
 11      compensation fund and insurers, and health care initiatives;

12      (2) possible coordination with any national and state  
 13      health care reform or with existing health care programs,  
 14      such as managed care networks;

15      (3) possible integration with other disability  
 16      programs, such as Social Security;

17      (4) a review of the effects of the Americans with  
 18      Disabilities Act of 1990 on the needs of the workers'  
 19      compensation system;

20      (5) a review of the other states that have explored  
 21      24-hour health care coverage, such as Florida, Maine,  
 22      California, Iowa, Colorado, Missouri, Georgia, and Oregon;

23      (6) an exploration of any pilot projects that could be  
 24      implemented in Montana;

25      (7) a review of funding sources available for pilot

1       projects and for other means of implementing workers'  
 2       compensation alternatives;

3       (8) a review of the practical and legal problems, such  
 4       as federal preemption of the Employee Retirement Income  
 5       Security Act of 1974 (ERISA), and the exclusive remedy  
 6       component;

7       (9) a review of options to provide incentives for  
 8       private sector development of specific plans for 24-hour  
 9       health care coverage;

10      (10) a summary of the short-term and long-term fiscal  
 11      impacts of any proposals; and

12      (11) a review of any studies on 24-hour health care  
 13      coverage by other workers' compensation departments, the  
 14      insurance industry, or other groups knowledgeable in health  
 15      and disability insurance; AND

16      (12) A REVIEW OF THE SAFETY PROGRAM CREATED UNDER SENATE  
 17      BILL NO. 163, THE FRAUD PROGRAM CREATED UNDER SENATE BILL  
 18      NO. 164, THE COST CONTAINMENT PROGRAM CREATED UNDER SENATE  
 19      BILL NO. 347, AND OTHER PROGRAMS CREATED AND IMPROVED BY  
 20      LEGISLATION ADOPTED IN THE 53RD SESSION.

21      BE IT FURTHER RESOLVED, that the committee report the  
 22      findings of the study, conclusions, and options for  
 23      legislative consideration to the 54th Legislature.

-End-