

WORKERS' COMPENSATION COMPLIANCE

# Summary of legislative and regulatory changes

*March 2024*

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# Maine

## *Legislative Document 1896*

On March 12, 2024, Gov. Janet Mills signed [Legislative Document 1896](#). This bill directs the Workers' Compensation Board using data supplied by insurers, third-party administrators, group self-insurers and individual self-insured employers to identify and analyze the compensation and benefits provided to individual claimants for:

- Total incapacity
- Partial incapacity
- Death

Additionally, the board is to provide monthly updates to the joint standing committee of the legislature having jurisdiction over workers' compensation matters on the identification of data and the analysis conducted. No later than Aug. 16, 2025, the board must submit a final report to the committee with its findings, recommendations and suggested legislation.

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# Ohio

## *Senate Bill 106*

Gov. Mike DeWine signed [Senate Bill 106](#) on March 13, 2024. This bill expands the post-exposure medical diagnostic testing requirement under workers' compensation for specified safety officers to include a physician, registered nurse or other licensed healthcare professional who is doing either of the following:

- Staffing a rotorcraft or fixed-wing air ambulance for a licensed air medical service organization (including transporting a patient from an incident scene or medical facility into the air ambulance).
- Transporting a patient from an air ambulance to the entrance of a hospital.

These provisions apply to claims arising on or after June 12, 2024.

This legislation also allows a workers' compensation claimant to provide a signed medical release form that is equivalent to the release form prepared by the Bureau of Workers' Compensation (BWC) and specifies that medical information, records and reports released in accordance with a signed form must be causally or historically related to physical, psychological or psychiatric injuries relevant to the claim.

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# Oregon

## *Senate Bill 1580*

On March 27, 2024, Gov. Tina Kotek signed [Senate Bill 1580](#), which became effective immediately. This bill specifies that an employer commits a Class A misdemeanor if the employer knowingly submits a false payroll report to the Workers' Compensation Board, board chairperson, director of the Department of Consumer and Business Services, the corporation or an insurer when the employer has the intent to decrease the employer's premium for coverage under workers' compensation laws.

The measure applies to conduct on or after the effective date.

# Tennessee

## *House Bill 1694/Senate Bill 2094*

Gov. Bill Lee signed [House Bill 1694/Senate Bill 2094](#) on March 7, 2024, which addresses several issues related to workers' compensation, including:

- Specifies that an employer must notify the Bureau of Workers' Compensation (BWC) of an employee's work-related death or personal injury no later than 14 days after the earlier of the date the employer was notified of the accident or the date the employer became knowledgeable of the accident. Previously, employers were required to report accidents at different intervals based on the nature of the injury and whether the injured employee returned to work within seven days of the accident.
- Codifies the standard practice where the notice of controversy (denial) must be filed electronically.
- Clarifies that the minimum penalty of \$1,000 assessed against employers who either fail to secure workers' compensation coverage or misclassify employees to avoid proper classification for premium calculations, by either concealing information pertinent to computation and application of an experience rating modification factor or materially understating or concealing the amount of payroll, the number of employees or the employees' duties, applies to all employers, not just employers in the construction industry.
- Extends the termination date of Public Chapter 189 of 2021 (PC 189), from July 1, 2024, until July 1, 2029. The provisions under Public Chapter 189 are regarding workers' compensation insurance compliance investigations, subpoenas, failure to secure workers' compensation, distress warrants, fraudulent exemption, revoked exemption and liability to injured employees.

This legislation becomes effective July 1, 2024, except the extension of Public Chapter 189, which takes effect on June 30, 2024.

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# Utah

## *House Bill 231*

On March 13, 2024, Gov. Spencer Cox signed [House Bill 231](#), which modifies provisions of the Utah Insurance Code to clarify that workers' compensation benefits do not need to be exhausted before uninsured or underinsured motorist coverage can be paid.

This bill takes effect on May 1, 2024.

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# Virginia

## *House Bill 205*

Gov. Glenn Youngkin signed [House Bill 205](#) on March 28, 2024. This legislation applies the following provisions relating to health care provider billing to all dates of services rendered, instead of only services rendered after July 1, 2014.

- Prohibits an employer or workers' compensation carrier from seeking recovery of a payment made to a health care provider for health care services rendered to a claimant unless such recovery is sought less than one year from the date payment was made to the health care provider.
- Prohibits a health care provider from submitting a claim to the Virginia Workers' Compensation Commission (VWCC) contesting the sufficiency of payment for health care services rendered to a claimant unless such claim is filed within one year of the date the last payment is received by the health care provider.

This bill is effective July 1, 2024.



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# Washington

## *House Bill 1927*

Gov. Jay Inslee signed [House Bill 1927](#) on March 18, 2024. This bill reduces the number from 14 to seven consecutive calendar days that temporary total disability must continue from the date of injury before workers' compensation time loss benefits are payable for the three-day waiting period following the day the injury occurs.

This change becomes effective July 1, 2025.

# West Virginia

## *Senate Bill 170*

On March 26, 2024, Gov. Jim Justice signed [Senate Bill 170](#). This bill adds to the rebuttable presumption of injury arising out of and in the course of employment as a firefighter:

- Bladder cancer
- Mesothelioma
- Testicular cancer

To be eligible for the presumption, the firefighter must have been actively employed by a fire department as a professional firefighter for a minimum of five years in the state before the development of the listed cancer and must not have used tobacco products more than six times in a calendar year for at least ten years.

This bill became effective upon signing and expires July 1, 2027, unless extended by the legislature.

According to the [fiscal note](#) for this bill, the Office of the Insurance Commissioner was unable to estimate the possible increased costs to employers of professional firefighters due to a lack of data regarding the incidence of those types of diseases in that classification of workers.

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# Wisconsin

## *Assembly Bill 1073*

On March 22, 2024, Gov. Tony Evers approved [Assembly Bill 1073](#), 2023 Wisconsin [Act 213](#), which makes various changes to the state worker's compensation law as recommended by the [Worker's Compensation Advisory Council \(WCAC\)](#).

Following is an overview of the changes that became effective on March 24, 2024:

- Increases the maximum weekly compensation rate for permanent partial disability to \$438 from \$430 for injuries occurring on or after March 24, 2024, to Dec. 31, 2024, and increases to \$446 for injuries occurring on or after January 1, 2025.
- Updates terminology from “advanced practice nurse prescribers” to “advanced practice registered nurses.”
- Provides that the statute of limitations for compensation claims begins running from the date a compromise agreement is issued by the Division of Hearings and Appeals (DHA) and that subsequent claims are not barred except as provided by the applicable statute of limitations.
- Specifies that DHA is required to return to the Worker's Compensation Division (WCD) the case file for any case within 30 days after DHA issues an order when no pending appeal. The WCD has exclusive authority to close a case and to notify the parties when it closes a case. The WCD is required to forward a file of a closed case to DHA if a hearing is required because a party in interest filed a subsequent hearing application.
- Authorizes an employer or employer's insurer to voluntarily make a lump sum payment of unaccrued permanent partial disability benefits in undisputed claims without the 5% interest credit.
- Changes references to spouses to gender-neutral terminology.
- Updates citations to the amended federal Rehabilitation Act of 1973 in provisions related to vocational rehabilitation.
- Increases the threshold for payments from the uninsured employer's fund from \$1 million to \$2 million.

Click [here](#) to view the 2023 Wisconsin Act 213 Plain Language Summary for more information.

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# Wyoming

## *House Bill 66*

Wyoming Gov. Mark Gordon signed [House Bill 66](#), also known as the “Aaron Booker Firefighter Cancer Screening Act” on March 4, 2024. This bill authorizes currently employed firefighters to receive the following annual cancer screenings under the Wyoming Workers’ Compensation Act:

- Breast cancer screenings to include mammograms at medically indicated intervals.
- Colon cancer screenings to include stool-based testing or colonoscopies at medically indicated intervals.
- Prostate cancer screenings for male firefighters to include prostate-specific antigen tests at medically indicated intervals.
- Routine screenings for any other cancer the risk or occurrence of which the director of the National Institute for Occupational Safety and Health has identified as higher among firefighters than among the general public.

The compensable workplace injury and cancer screenings award will continue for no more than ten years after the cessation of employment as a firefighter.

The bill requires the Department of Workforce Services to establish rules to implement the bill.

The information contained within this document is intended to provide summary level information on proposed or enacted laws related to family and medical leave. It is not intended to provide guidance on the application of these legal requirements or as an update to your company’s attendance and/or leave policies. We recommend you consult with legal counsel to determine what changes, if any, should be applied to company policy.

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