

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 622

Introduced by Nordquist, 7.

Read first time January 21, 2009

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the Nebraska Workers' Compensation Act;
2 to amend section 48-125, Revised Statutes Cumulative
3 Supplement, 2008; to provide time limits and penalties
4 for late payment of medical payments; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-125, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 48-125 (1) Except as hereinafter provided, all amounts
4 of compensation payable under the Nebraska Workers' Compensation
5 Act shall be payable periodically in accordance with the methods
6 of payment of wages of the employee at the time of the injury
7 or death. Fifty percent shall be added for waiting time for
8 all delinquent payments after thirty days' notice has been given
9 of disability or after thirty days from the entry of a final
10 order, award, or judgment of the compensation court, except that
11 for any award or judgment against the state in excess of one
12 hundred thousand dollars which must be reviewed by the Legislature
13 as provided in section 48-1,102, fifty percent shall be added
14 for waiting time for delinquent payments thirty days after the
15 effective date of the legislative bill appropriating any funds
16 necessary to pay the portion of the award or judgment in excess of
17 one hundred thousand dollars. Such payments shall be sent directly
18 to the person entitled to compensation or his or her designated
19 representative except as otherwise provided in section 48-149.

20 (2) All medical payments payable under the Nebraska
21 Workers' Compensation Act shall be payable within thirty days after
22 notice has been given or within thirty days after the entry of a
23 final order, award, or judgment of the compensation court. If a
24 medical payment is delinquent by thirty days or more, fifty percent
25 shall be added to the amount payable and shall be paid to the

1 employee.

2 ~~(2)~~ (3) Whenever the employer refuses payment of
3 compensation or medical payments subject to section 48-120, or
4 when the employer neglects to pay compensation for thirty days
5 after injury or neglects to pay medical payments subject to such
6 section after thirty days' notice has been given of the obligation
7 for medical payments, and proceedings are held before the Nebraska
8 Workers' Compensation Court, a reasonable attorney's fee shall
9 be allowed the employee by the compensation court in all cases
10 when the employee receives an award. Attorney's fees allowed shall
11 not be deducted from the amounts ordered to be paid for medical
12 services nor shall attorney's fees be charged to the medical
13 providers. If the employer files an application for review before
14 the compensation court from an award of a judge of the compensation
15 court and fails to obtain any reduction in the amount of such
16 award, the compensation court shall allow the employee a reasonable
17 attorney's fee to be taxed as costs against the employer for such
18 review, and the Court of Appeals or Supreme Court shall in like
19 manner allow the employee a reasonable sum as attorney's fees for
20 the proceedings in the Court of Appeals or Supreme Court. If the
21 employee files an application for a review before the compensation
22 court from an order of a judge of the compensation court denying an
23 award and obtains an award or if the employee files an application
24 for a review before the compensation court from an award of a judge
25 of the compensation court when the amount of compensation due is

1 disputed and obtains an increase in the amount of such award, the
2 compensation court may allow the employee a reasonable attorney's
3 fee to be taxed as costs against the employer for such review, and
4 the Court of Appeals or Supreme Court may in like manner allow the
5 employee a reasonable sum as attorney's fees for the proceedings in
6 the Court of Appeals or Supreme Court. A reasonable attorney's fee
7 allowed pursuant to this section shall not affect or diminish the
8 amount of the award.

9 ~~(3)~~ (4) When an attorney's fee is allowed pursuant to
10 this section, there shall further be assessed against the employer
11 an amount of interest on the final award obtained, computed from
12 the date compensation was payable, as provided in section 48-119,
13 until the date payment is made by the employer, at a rate equal
14 to the rate of interest allowed per annum under section 45-104.01,
15 as such rate may from time to time be adjusted by the Legislature.
16 Interest shall apply only to those weekly compensation benefits
17 awarded which have accrued as of the date payment is made by the
18 employer. If the employer pays or tenders payment of compensation,
19 the amount of compensation due is disputed, and the award obtained
20 is greater than the amount paid or tendered by the employer,
21 the assessment of interest shall be determined solely upon the
22 difference between the amount awarded and the amount tendered or
23 paid.

24 Sec. 2. Original section 48-125, Revised Statutes
25 Cumulative Supplement, 2008, is repealed.