

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT
LB429

Hearing Date: Monday March 09, 2015
Committee On: Business and Labor
Introducer: Smith
One Liner: Provide for medical utilization and treatment guidelines under the Nebraska Workers' Compensation Act

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye:	6	Senators Bloomfield, Crawford, Ebke, Howard, Harr, Johnson
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Verbal Testimony:

Proponents:

Lisa Johns
Kenneth Eichler
Melissa Woitalewicz
Bob Hallstrom

Representing:

Introducer, Sen. Smith's Legislative Aide
Work Loss Data Institute/ODG
NWCEF, Crete Carrier Corporation
NWCEF, Nebraska Federation of Independent Business

Opponents:

Ronald Brown
Ian Crabb
Rod Rehm
Steve Howard

Brock Wurl
Julie Shipman-Burns
Todd Bennett
Deborah Oliva
AnnJanae Griffin
Jack McCarthy
Robin Caniglia
Ken Ostronic
James Michal Fitzgerald

Representing:

Nebraska Association of Trial Attorneys
Nebraska Medical Association
Nebraska Association of Trial Attorneys
Nebraska State AFL-CIO, Omaha Police Officers Association
Self
Nebraska Association of Trial Attorneys
Representative of Injured Nebraskan
Self, injured Nebraska worker
Self
Nebraska Medical Association
Self
Teamsters Local Union #554
Self

Neutral:

Representing:

Summary of purpose and/or changes:

Currently, there are no standard medical treatment guidelines in use in Nebraska. LB 429 would apply to medical, surgical, and hospital services under the Nebraska Workers' Compensation Act provided on or after January 1, 2016.

Sec. 1. provides that medical, surgical and hospital services under the Act are to be provided in accordance with the

Official Disability Guidelines (ODG) published by the Work Loss Data Institute as of January 1, 2015. Subsequent revisions are to be adopted annually and will be effective on January 1 of the following year.

Medical, surgical and hospital services provided in accordance with ODG are conclusively presumed to be reasonable and necessary. For services outside of the ODG to be deemed reasonable and necessary, prior authorization is required. Carriers, risk management pools and self-insured employers are not responsible for charges for medical services that are not provided in accordance with the ODG, with certain exceptions.

The Nebraska Workers' Compensation Court may promulgate rules and regulations to implement this section.

Sec. 2. creates a rebuttable presumption that the findings of an independent medical examiner are correct.

Sec. 3. adds section 1 to the Act.

Sec. 4. repealer.

Burke Harr, Chairperson