

LEGISLATIVE BILL 313

Approved by the Governor April 4, 1990

Introduced by McFarland, 28

AN ACT relating to workers' compensation; to amend sections 48-121.01, 48-161, and 48-1,110, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum weekly income benefit as prescribed; to provide for an optional insurance deductible for medical benefits as prescribed; to provide a penalty; to change a provision relating to the jurisdiction of the compensation court; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-121.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-121.01. Commencing on May 30, 1987 the effective date of this act, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred ~~thirty-five~~ fifty-five dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars. Commencing July 1, 1988 1991, the maximum weekly income benefit under sections 48-121 and 48-122 shall be two hundred sixty-five ~~forty-five~~ dollars and the minimum weekly income benefit under sections 48-121 and 48-122 shall be forty-nine dollars.

Sec. 2. (1) Each workers' compensation insurance policy issued by an insurer pursuant to the Nebraska Workers' Compensation Act shall offer, at the option of the insured employer, a deductible for medical benefits in the amount of five hundred dollars to two thousand five hundred dollars per claim in increments of five hundred dollars. The insured employer, if choosing to exercise this option, may choose only one of the amounts as the deductible. The provisions of this section shall be fully disclosed to each prospective purchaser in writing.

(2) The deductible form shall provide that the insurer shall remain liable for and shall pay the entire cost of medical benefits for each claim directly to the medical provider and shall then be reimbursed by the employer for any deductible amounts paid by the insurer.

The employer shall be liable for reimbursement up to the limit of the deductible.

(3) An insurer shall not be required to offer a deductible if, as a result of a credit investigation, the insurer determines that the employer does not have the financial ability to be responsible for the payment of deductible amounts.

(4) The insurer shall service and, if necessary, defend all claims that arise during the policy period, including those claims payable in whole or in part from the deductible amount, and shall make such reports to the compensation court of payments made, including payments made under the deductible provisions, as may be required by the compensation court.

(5) A person who is employed by a policyholder which chooses to exercise the option of a deductible policy shall not be required to pay any of the deductible amount, and any such policyholder shall not require or attempt to require the employee to give up his or her right of selection of physician set out in section 48-120. Any violation of this subsection shall be a Class II misdemeanor.

Sec. 3. That section 48-161, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-161. All disputed claims for workers' compensation shall be submitted to the Nebraska Workers' Compensation Court for a finding, award, order, or judgment. Such compensation court shall have jurisdiction to decide any issue ancillary to the resolution of an employee's right to workers' compensation benefits.

Sec. 4. That section 48-1,110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1,110. (1) Sections 48-101 to 48-1,110 and section 2 of this act shall be known and may be cited as the Nebraska Workers' Compensation Act.

(2) It is the intent of the Legislature that the changes made in Laws 1986, LB 811, shall not affect or alter any rights, privileges, or obligations existing immediately prior to July 17, 1986.

(3) On and after July 17, 1986, whenever the terms workmen's compensation and Workmen's Compensation appear in the statutes or in any appropriations measures enacted into law, they shall be taken to mean workers' compensation and Workers' Compensation, respectively.

Sec. 5. That original sections 48-121.01, 48-161, and 48-1,110, Reissue Revised Statutes of