

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Don Dahl at 9:00 A.M. on February 9, 2005 in Room 241-N of the Capitol.

All members were present except:

Broderick Henderson- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research Department

Norm Furse, Office of Revisor of Statutes

Renae Jefferies, Office of Revisor of Statutes

June Evans, Committee Secretary

Conferees appearing before the committee:

John Ostrowski, Kansas AFL-CIO

Jeff Cooper, Attorney, Kansas Trial Lawyers Association

Dick Thomas, M.S., Administrator,

Rehabilitation/Ombudsman Sections, Department of Labor

Others attending:

See attached list.

Chairman Dahl opened the meeting and said due to the many questions raised and possible amendments circulating on **HB 2142 - Workers compensation, date of accident; employer's maximum liability for disability compensation, attorney fees**, he felt it would be beneficial to appoint a Sub-Committee to see if they could come up with recommendations. The Sub-Committee will be chaired by Representative Kevin Yoder; Representative Mike Kiegerl and Representative Candy Ruff were appointed as members.

The Chairman stated since there have been many questions on the subject of workers compensation, he thought it would be helpful to the committee to have the floor open for discussion and members may ask anyone in the audience to respond to their questions. This was a general informal forum on **HBs 2141 and 2142**, to try and clear up questions regarding workers compensation.

There was discussion on attorney fees being changed from 50% to 25%. It was questioned if attorneys would be interested in taking cases at a lower percentage. Attorneys do not receive any fee for future medical care benefits.

John Ostrowski, AFL-CIO, stated one of the main concerns of workers is their future medical care. If a person is offered a cash settlement without future medical care they often hire an attorney to help receive that benefit. An attorney does not receive compensation for this. If a person goes to a doctor later for another illness or injury the insurance company and/or Medicare compares social security numbers and refers the claim back to the workers comp injury. This would not be a problem if probable cause was taken out of the bill and it is believed that probable cause should be removed from the bill.

Jeff Cooper stated by removing probable cause all evidence would be used in allowing a claim. If a case comes before an Administrative Law Judge the employee most always receive future medical care in the settlement.

Dick Thomas, M.S., Administrator, Rehabilitation/Ombudsman Sections, Division of Workers Compensation, Department of Labor, stated the department gives presentations to walk employers and employees through the system and inform them of their rights. If people know their rights and understand the system, they often don't need an attorney. The Department of Labor's job is to inform the public.

After further discussion it was agreed that Mr. Ostrowski and Mr. Cooper would draft a proposed amendment to address the probable cause issue.

The meeting adjourned at 10:15 a.m. The next meeting will be February 10, 2005.