



HB 501/ SB 433 Workers' Compensation Claims – Fees for Legal Services

SUPPORT

The Problem:

Under current law, attorneys who represent workers' compensation claimants can only be paid for their time and their expenses reimbursed, if the client is awarded compensation (money). If the only issue for a hearing is approval of medical treatment or the payment of medical bills, attorneys who spend time and money preparing for and attending these medical-only hearings cannot be paid and their expenses cannot be reimbursed.

Why does the current law deny injured workers' access to health care?

- Employers and their insurance companies send lawyers to all medical-only hearings, where Commissioners are forced to deny the requested care simply because the unrepresented injured workers do not know how to prove the care is due to the work injury.
- Workers' Compensation insurance companies have an incentive to deny health care requested by the unrepresented, because most of these claimants, rather than go to a hearing without counsel, simply put the bills that should have been paid by the workers' compensation insurer through health insurance, Medical Assistance or Medicare.

HB 501/ SB 433 – A RESONABLE FIX THAT LEVELS THE PLAYING FIELD

Injured workers will have lawyers at medical-only hearings, to:

- Ensure these victims of workplace injuries receive the accident-related care the General Assembly intends they receive;
- Help to ensure that the proper responsible entity is required to pay for the injured workers' medical care;
- The medical bills for this case will be paid by the workers' compensation insurer who collected a premium in exchange for a promise to pay them.

Fees are limited – there is a \$2,000.00 cap.

Commissioner has the Final "Say"

- The Bill uses the term "may," which gives the Commissioner discretionary oversight to award a fee and expenses, or no fee and expenses, as the Commissioner believes is reasonable-
- The Bill gives a Commissioner the flexibility to allow an attorney to enter into an agreement with his or her client to pay the fee, or to require that the insurance company whose denial of medical care generated the need for the hearing, to pay it.

MAJ respectfully urges a FAVORABLE Report