

# One Hundred Second Legislature - Second Session - 2012

## Introducer's Statement of Intent

### LB1012

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**Chairperson: Senator Steve Lathrop**

**Committee: Business and Labor**

**Date of Hearing: January 30, 2012**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

**LB 1012** would grant authority to the workers' compensation court to terminate compensation otherwise payable under the Workers' Compensation Act when an injured employee unreasonably fails to comply with medical or surgical treatment provided by the employer or when an injured employee without reasonable cause refuses to undertake or fails to cooperate with a physical, medical, or vocational rehabilitation program determined by the compensation court to be suitable for the employee or refuses to be evaluated or cooperate in the evaluation required by the Act. In both instances, **LB 1012** would establish a rebuttable presumption that the employee's disability would have been reduced or his or her condition would have been improved if the employee had complied with the medical or surgical treatment furnished by the employer or undertaken or cooperated with the physical, medical, or vocational rehabilitation program or evaluation. These provisions are designed to overrule the Supreme Court decision in the case of *Hofferber v. Hastings Utilities, 282 Neb. 215 (2011)*.

**LB 1012** also provides (a) that refusal by an injured employee to perform work that meets temporary restrictions imposed by the treating physician creates a rebuttable presumption that the employee is ineligible to receive temporary disability benefits; (b) that an employee is not entitled to temporary disability benefits when the employee has been terminated for cause or voluntarily resigns following a workplace injury and the employer would have accommodated any temporary restrictions imposed by the treating physician, but for the employee's separation from employment; and (c) that temporary disability benefits for an injured employee may be terminated by an employer or insurance carrier in cases in which an employee is incarcerated following conviction for a misdemeanor or felony, with the termination of benefits to continue during the period of incarceration and the maximum period for which benefits would otherwise be payable not extended due to the termination of temporary disability benefits during the period of incarceration.

**Principal Introducer:** \_\_\_\_\_

**Senator Scott Lautenbaugh**