

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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physician from and among those who provide services under the plan, and that the employee must be allowed to change the physician at least once. The current statute language is ambiguous in that it can be read to say that the employer must be allowed to choose any provider of medical, surgical, or hospital services not limited to physicians. Further, it could be read to provide that the employee has the right to change any provider of medical, surgical, or hospital services, again not limited to physician. The interpretation that I have suggested is not the way this section was...has been construed by the court in its evaluation of managed care plans, so this change would not impact existing practices because, as evidenced, this is exactly what they've been doing all along, and this just simply clarifies the statute to make it so that there is not any more ambiguity and confusion. The second section adds references. Two methods, the risk management pool, and the self-insurance, already recognized by law whereby...it's already recognized by law whereby employer may meet its obligation to secure payment of court compensation; and a number of other areas that are in the amendment that merely clean up the language to make it more understandable and more clear for the people who are dealing with, not only the court, but those that are appearing before the court. The language of the statutes currently provides that the court may, in its discretion, withdraw approval of a self-insurer at any time. The statute does not require notice, a hearing, or identify that the withdrawal could be pursuant to any determination related to the fitness or ability of the self-insurer to meet its obligation under the Workers' Compensation Act. The courts said they believe that it is appropriate to provide due process to self-insurers in a manner that seeks to provide fairness to the employer while also protecting the interests of the employee that may be entitled to compensation under this act. These changes are the result of several months of discussion between the Workers' Compensation Court and self-insurers, and I might add a great deal of time was spent with my committee counsel, myself, and the people from the Workers' Compensation Court in providing changes and updating the...the things in...clarifying many things to make it less ambiguous, as I indicated earlier. I would urge your consideration of the committee amendments to LB 1221 and, again, I'd be happy to answer any questions, if there are those that don't understand this as clear as...as I've