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Informational Letter 02-07
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RHODE ISLAND WORKERS' COMPENSATION ACT 2002 LEGISLATIVE HIGHLIGHTS

The purpose of this letter is to bring to your attention the significant changes made during the 2002 legislative session that impact the Rhode Island Workers' Compensation Act. This may not be a complete report of all legislation passed in 2002 regarding workers' compensation.

2002-S 2379A as amended -- Relating to Workers' Compensation:

27-7.2-11. Bond. This section, under the Chapter entitled, *Workers' Compensation Insurance Fund* is repealed no longer requiring that a bond be filed by the chief executive officer before entering the duties of the office.

28-29-1.3. Jurisdiction of act. Added to provide that title 28 shall apply to any and all employees injured or hired in the state of Rhode Island. **Effective January 1, 2004**

28-29-2. Definitions. Amended to provide that effective January 1, 2003, a special employer shall require written documentation evidencing workers' compensation coverage from a general employer who provides employees for work for the special employer. If the special employer fails to obtain the written documentation, they, the special employer, will be deemed the employer. **Effective January 3, 2003**

28-29-15. Exemption of employees covered by laws of other states. Changes heading of section to **Exemption of professional hockey personnel.** Clarifies language.

28-29-19. Waiver of claim of common law rights. Amended to provide that to waive a claim of common law right, a notice must be filed with the Director of Labor and Training and the employer or his or her agent, which takes effect 5 days after filing with the Director. Adds language providing exempt corporate officers the ability to opt into the Act.

28-29-22. Agreement for alternative scheme – Approval and certification. Amended to include the Chief Judge of the Workers' Compensation Court in the approval process.

28-29-30. Advisory council. Changes the title *manager* to *chief executive officer* of the workers' compensation insurance fund and includes the option of his or her designee as a member of the Advisory Council.

28-33-8. Employee's choice of physician, dentist, or hospital – Payment of charges – Physician reporting schedule. Amended to provide that approved preferred provider networks be kept on record by the medical advisory board.

28-33-16. Burial expenses. Changes the sum provided for burial from five thousand dollars (\$5,000) to fifteen thousand dollars (\$15,000).

28-33-17. Weekly compensation for total incapacity – Permanent total disability – Dependents' allowances. Changes the publish and effective dates of the spendable base wage tables to May 10 of each year.

28-33-18.3. Continuation of benefits – Partial incapacity. Postpones the definition of material hindrance to injuries occurring on or after July 1, 1998.

28-33-47. Reinstatement of injured worker. Amended to provide that the demand for reinstatement by the injured worker must be written. Provides additional language pertaining to when a petition to establish liability is filed, but not heard within one (1) year of the injury date--the right to reinstatement would end within twenty-one (21) days from the first finding of liability.

28-35-58. Liability of third person for damages. Amended to allow the self-insured employer or the employer's insurance carrier subrogation action if the employee or the administrator of the employee's estate neglects to exercise their right by failing to file a lawsuit against such third party within two years and eight months after the injury. Included in the amendment are a determined set of time frames and notification procedures.

42-16.1-14. Disclosure of information to the fraud prevention unit. Amended to include mandatory fraud referrals by a third party administrator and self-insurer. Adds language mandating response to requests from the fraud prevention unit with respect to employers and employees who are being investigated for workers' compensation fraud and abuse.

Included in this bill is a resolution establishing a special commission on ergonomics consisting of 15 members, as delineated in the section. The commission will report its findings and recommendations to the general assembly on or before February 1, 2004, and the commission will expire on April 1, 2004.

All of the above take effect as of June 14, 2002, except as otherwise noted.

Article 14 Substitute A as amended -- Relating to Public Safety:

28-29-2. Definitions. and **45-19-1. Salary payment during line of duty illness or injury.** Amended to include any person employed by the state of Rhode Island, except for sworn employees of the Rhode Island State Police, who is otherwise entitled to the benefits of chapter 45-19 shall be subject to the provisions of chapters 29-38 of title 28 for all case management procedures and dispute resolution for all benefits.

The provisions of this article shall be given retroactive as well as prospective effect and shall apply to all cases pending upon the effective date of this article and this article shall take effect upon passage.

Effective June 12, 2002

Dr. Lee H. Arnold
Director