

HB 1498-FN – AS AMENDED BY THE HOUSE

19Feb2014... 0468h

2014 SESSION

14-2446  
01/10

HOUSE BILL            ***1498-FN***

AN ACT                relative to wages lost when an employee submits to a medical examination required under workers' compensation law.

SPONSORS:            Rep. Goley, Hills 8; Rep. Wall, Straf 6; Rep. H. Richardson, Coos 4; Rep. G. Richardson, Merr 10; Sen. Soucy, Dist 18

COMMITTEE:          Labor, Industrial and Rehabilitative Services

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AMENDED ANALYSIS

This bill requires the party requesting an independent medical examination to reimburse an employee for lost wages if the employee who has returned to work is required to submit to an independent medical examination.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to wages lost when an employee submits to a medical examination  
                                  required under workers' compensation law.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Paragraph; Workers' Compensation; Medical Examinations. Amend RSA 281-A:38 by  
2 inserting after paragraph II the following new paragraph:

3           III. When an employee who has returned to work is required to submit to an examination  
4 pursuant to this section, the employee shall be entitled to receive from the party requesting the  
5 examination all wages lost in submitting to the examination. These wages shall not count against  
6 the maximum allowable weekly compensation rate set forth in RSA 281-A:28. The payment under  
7 this paragraph is not a payment of compensation for disability pursuant to RSA 281-A:28,  
8 RSA 281-A:28-a, RSA 281-A:31, RSA 281-A:31-a, RSA 281-A:40, or RSA 281-A:48. The payment  
9 under this paragraph does not toll the statute of limitations for compensation payments under  
10 RSA 281-A:48.

11          2 Effective Date. This act shall take effect January 1, 2015.

### HB 1498-FN FISCAL NOTE

AN ACT                   relative to wages lost when an employee submits to a medical examination required under workers' compensation law.

#### FISCAL IMPACT:

The Department of Administrative Services, New Hampshire Association of Counties, and New Hampshire Municipal Association state this bill, **as amended by the House (Amendment #2014-0468h)**, may increase state, county, and local expenditures by an indeterminable amount in FY 2015 and each year thereafter. There is no fiscal impact on state, county, or local revenue.

#### METHODOLOGY:

The Department of Administrative Services states this bill requires the employer or the employer's representative to reimburse an employee for lost wages if the employee has returned to work and is required to submit to an independent medical examination. The Department states this bill would apply to self-funded workers' compensation programs and insurance providers. The Department states this bill will increase state expenditures by an indeterminable amount. The Department states that state employees are able to use sick time or annual time for an independent medical examination after returning to work. If the employee has no leave available, the time would be uncompensated. The Department states the bill is unclear whether the payment of sick or annual leave as compensation for time missed from work while attending an independent medical examination is allowable. The Department assumes the use of sick or annual leave is not in estimating the fiscal impact of this bill. The Department states 68 independent medical examinations are requested by the state each year. The average hourly wage is \$23.88 and the estimated average time for the independent medical examination is three hours. The Department estimates an annual impact of approximately \$4,872 (68 exams \* \$23.88 average hourly rate \* 3 hours for each exam).

The New Hampshire Association of Counties states it is unable to determine how many instances would occur where an employee would be required to submit to an independent medical examination after returning to work to determine the actual fiscal impact on expenditures.

The New Hampshire Municipal Association states this bill may result in an increase in municipal expenditures. The Association is not able to predict how often an employee would be

required to submit to an independent medical examination after returning to work to determine the actual fiscal impact on expenditures.

The Department of Labor states this bill does not add any new expenditures or revenue.