

CHAPTER 242
SB 204-FN – FINAL VERSION

03/13/14 0867s
03/27/14 1117s
23Apr2014... 1427h

2014 SESSION

14-2599
01/10

SENATE BILL ***204-FN***

AN ACT relative to a benefit for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Sen. Boutin, Dist 16; Sen. Cataldo, Dist 6; Sen. Fuller Clark, Dist 21; Sen. Gilmour, Dist 12; Sen. Lasky, Dist 13; Sen. Reagan, Dist 17; Sen. Watters, Dist 4; Rep. Goley, Hills 8; Rep. D. Sullivan, Hills 42; Rep. Long, Hills 42

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill establishes the first responders critical injury benefit to make awards of additional workers' compensation upon warrant by the governor with approval by the executive council for group II retirement system members who suffer certain medical conditions. This bill also establishes a commission to study soft tissue injuries for purposes of workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 a benefit for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

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

1 242:1 New Sections; First Responder's Critical Injury Fund; Commission. Amend RSA 281-A by
2 inserting after section 32 the following new sections:

3 281-A:32-a First Responder's Critical Injury Benefit.

4 I. In addition to other payments made under RSA 281-A, a group II retirement system
5 member may request additional compensation under this section. If the impairment to a group II
6 retirement system member resulting from an injury is partial, with a determination by the
7 department of labor that the employee has reached maximum medical improvement and that such
8 maximum medical improvement is less than 100 percent, the governor may draw a warrant, with
9 approval by the executive council, from funds not otherwise appropriated for payments in addition
10 to benefits payable under this chapter for an award to be paid to such employees in amounts
11 provided by RSA 281-A:28 for the number of weeks set forth in this section for permanent bodily loss
12 or impairment:

13 (a) Permanent loss or impairment of heart, lung, or brain 208

14 (b) Permanent loss or impairment of other internal organs 104

15 (c) Permanent loss or impairment of speech, touch, taste, or smell 104

16 II. Payments awarded under this section shall be subject to all other provisions of RSA 281-
17 A. Total compensation payments for all additional compensation claims paid under this section shall
18 not exceed \$125,000 per claimant. No payments shall be made after July 1, 2016. Benefits paid
19 under this section for all claimants shall not exceed \$500,000.

20 281-A:32-b Commission Established; Membership; Duties.

21 I. There is established a commission to study soft tissue injuries for purposes of workers'
22 compensation and to study the feasibility of developing a first responder's critical injury fund.

23 (a) The members of the commission shall be as follows:

24 (1) Two members of the senate, appointed by the president of the senate.

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1 (2) Two members of the house of representatives, appointed by the speaker of the
2 house of representatives.

3 (3) The commissioner of the department of employment security, or designee.

4 (4) The commissioner of the department of labor, or designee.

5 (5) The commissioner of the department of insurance, or designee.

6 (6) A representative of a self-funded insurer, appointed by the governor.

7 (7) Two public members representing business interests, appointed by the governor.

8 (8) Two public members representing labor interests, appointed by the governor.

9 (9) A medical professional possessing extensive knowledge of soft tissue injuries,
10 appointed by the governor.

11 (b) Legislative members of the commission shall receive mileage at the legislative rate
12 when attending to the duties of the commission.

13 II.(a) The commission shall study soft tissue injuries for purposes of workers' compensation.
14 The commission shall also study the feasibility of developing a first responder's critical injury fund.

15 (b) The commission shall solicit information and testimony from any person or entity the
16 commission deems relevant to its study.

17 III. The members of the commission shall elect a chairperson from among the members. The
18 first meeting of the commission shall be called by the first-named senate member. The first meeting
19 of the commission shall be held within 45 days of the effective date of this section. Five members of
20 the commission shall constitute a quorum.

21 IV. The commission shall report its findings and any recommendations for proposed
22 legislation to the president of the senate, the speaker of the house of representatives, the senate
23 clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

24 242:2 Repeals.

25 I. RSA 281-A:32-a, relative to a first responder's critical injury benefit.

26 II. RSA 281-A:32-b, relative to a commission to study soft tissue injuries under workers'
27 compensation and to study the feasibility of developing a first responder's critical injury fund.

28 242:3 Applicability. RSA 281-A:32-a as inserted by section 1 of this act shall apply to injuries
29 sustained on or after March 12, 2012.

30 242:4 Effective Date.

31 I. Paragraph I of section 2 of this act shall take effect June 30, 2016.

32 II. Paragraph II of section 2 of this act shall take effect November 1, 2014.

33 III. The remainder of this act shall take effect upon its passage.

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36 Approved: July 21, 2014

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2 Effective Date: I. Paragraph I of section 2 shall take effect June 30, 2016

3 II. Paragraph II of section 2 shall take effect November 1, 2014

4 III. Remainder shall take effect July 21, 2014

