

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB418

Hearing Date: Monday March 04, 2019
Committee On: Business and Labor
Introducer: Cavanaugh
One Liner: Change provisions relating to certain medical debt collection involving workers' compensation

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Crawford, Halloran, Hansen, B., Hansen, M., Lathrop, Slama
Nay:
Absent: 1 Senator Chambers
Present Not Voting:

Oral Testimony:

Proponents:

Machaela Cavanaugh
Todd Bennett
Schuyler Geery-Zink

Representing:

District 6 Senator
National Association of Trial Attorneys
Nebraska Appleseed

Opponents:

Tessa Stevens

Representing:

Nebraska Collectors Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB 418 prohibits a collection agency from attempting to collect a debt arising out of a workers' compensation claim and the case is still pending in the Nebraska Workers' Compensation Court.

Explanation of amendments:

AM 1266 becomes the bill. It contains changes to the underlying language of LB 418 as well as the provisions of LB 360 (M. Hansen) and LB 178 (Hilgers).

The changes to LB 418 are contained in sections 8 and 9 of AM 1266:

Those changes prohibit collection of a debt incurred against an employee for treatment of a work-related injury while the matter is pending in the Nebraska Workers' Compensation Court after being provided notice in accordance with this section.

Notice requirements: In writing; Contain the provider's name, employee's name, date of injury, description of injury, filing date and case number pending in the compensation court; Within 30 days after the initial notice provide information specifically identifying the debt; Delivered by personal service, first-class mail, or other method agreed to between the parties.

The Attorney General is authorized to enforce violations of this act. Collection lawsuits may be stayed pending outcome of the compensation court. Tolls the statute of limitations on collection of debt during the pendency of the case from the date filed with the compensation court. This shall only apply to the Nebraska Workers' Compensation Act.

AM 1266 includes provisions of LB 360 in section 1 of the amendment.

LB 360 advanced from the committee unanimous with one member absent.

LB 360 provides a nonresident alien dependent with the ability to file with the Workers' Compensation Court a power of attorney designating a suitable person residing in the state to act as attorney in-fact in proceedings under the Workers' Compensation Act.

Testifying on LB 360:

Proponents:

Senator Matt Hansen - District 26

Dan Thayer - Nebraska Association of Trial Attorneys

Bob Hallstrom - Nebraska Federation of Independent Businesses/Nebraskans for Workers Compensation Fairness and Equity

Opponents:

None

Neutral:

None

LB 178 (Hilgers) is incorporated in sections 2 through 7 and 10 through 12 of AM 1266.

LB 178 is a technical clean-up bill from the Department of Administrative Services. It updates and changes references to the risk manager and makes changes to allow for a more efficient claims process.

It advanced from the committee unanimous with one member absent.

Testifying on LB 178

Proponents:

Senator Hilgers - District 21

Ryan Post - Nebraska Department of Justice

Opponents:

None

Neutral:

None

Matt Hansen, M., Chairperson