

WORKING DRAFT

SENATE FILE NO. _____

Workers' compensation amendments.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to workers' compensation; amending
2 provisions related to third party lawsuits when a workers'
3 compensation claim has been filed; creating a voluntary
4 premium deductible program for employers as specified;
5 clarifying premiums for corporate officers and limited
6 liability companies; clarifying coverage for workplace
7 injuries occurring in the state; defining localized
8 employment; clarifying that permanent total disability
9 payments cease upon death; imposing penalties upon injured
10 workers who do not accept bona fide offers of light duty
11 work; clarifying that the division of vocational
12 rehabilitation is within the department of workforce
13 services; eliminating obsolete language with respect to
14 clerks of court; amending procedures for the repayment of
15 overpaid benefits; authorizing specified functions of the

1 director of the department of employment to be delegated to
2 a designee; repealing conflicting language; and providing
3 for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 27-14-102(a) by creating new
8 paragraphs (xxix) and (xxx), 27-14-105(a), (e), by
9 creating a new subsection (f) and by amending and
10 renumbering (f) and (g) as (g) and (h), 27-14-108(g)(iv),
11 27-14-201 by creating a new subsection (t), 27-14-205(c),
12 27-14-207(b) and (c), 27-14-301(a), (b)(intro), by
13 creating a new subsection (c), by creating a new subsection
14 (d), 27-14-403(c)(intro), (e)(i), (g)(i)(E),
15 27-14-404(j)(intro) and (i) through (iv), 27-14-408(c),
16 27-14-508(a)(intro), 27-14-511, 27-14-601(e),
17 27-14-603(b)(intro), 27-14-614, 27-14-703(b)(iii),
18 27-14-801(d) and 27-14-802(a) are amended to read:

19

20 **27-14-102. Definitions.**

21

22 (a) As used in this act:

23

1 (xxix) "Claimant" means an employee, dependent,
2 health care provider or other party who files, or on whose
3 behalf is filed, a claim for benefits under this act;

4
5 (xxx) "Director" means the director of the
6 department of employment.

7
8 **27-14-105. Action against third party; notice;**
9 **subrogation; legal representation; payment under**
10 **reservation of rights; actions by department.**

11
12 (a) If an employee covered by this act receives an
13 injury under circumstances creating a legal liability in
14 some person other than the employer to pay damages, the
15 employee if engaged in work for his employer at the time of
16 the injury is not deprived of any compensation to which he
17 is entitled under this act. He may also pursue his remedy
18 at law against the third party or the coemployee to the
19 extent permitted by W.S. 27-14-104(a). Except as provided
20 by subsections (b), (e), ~~and~~ (f) and (g) of this section,
21 if the employee recovers from the third party or the
22 coemployee in any manner including judgment, compromise,
23 settlement or release, the state is entitled to be
24 reimbursed for all payments made, or to be made, to or on

1 behalf of the employee under this act. ~~but not to exceed~~
2 ~~one-third (1/3) of the total proceeds of the recovery~~
3 ~~without regard to the types of damages alleged in the~~
4 ~~third-party action.~~ All money received by the state under
5 this section shall be credited to the worker's compensation
6 account and considered in computing the employer's
7 experience rating.

8
9 (e) At any time before the statute of limitation bars
10 an employee or his estate from commencing a claim for
11 personal injury or wrongful death arising out of a
12 compensable injury, and upon the unsolicited written
13 request of the employee or estate, the department may
14 commence such an action on behalf of the employee or his
15 estate. From any amounts recovered under this subsection,
16 the state is entitled to an amount equal to all sums
17 awarded as benefits to the employee or his estate and all
18 anticipated future medical costs. Any excess recovery
19 shall be paid to the injured employee or his estate, after
20 which the department's case shall be closed.

21
22 (f) No sooner than twelve (12) months after the cause
23 of action arises and with the written consent of the
24 employee or estate, the employer may commence an action on

1 behalf of the employee or his estate. From any amounts
2 recovered under this subsection, the state is entitled to
3 an amount equal to all sums awarded as benefits to the
4 employee or his estate and all anticipated future
5 department of employment case costs. Any excess recovery
6 shall be paid to the injured employee or his estate after
7 which the department's case shall be closed.

8
9 ~~(f)~~ (g) The department or employer shall have an
10 additional ~~six (6)~~ twelve (12) month limitation period
11 beyond the date on which the employee or his estate is
12 barred under the statute of limitations from commencing a
13 claim for personal injury or wrongful death, in which to
14 commence ~~such~~ an action on behalf of the employee or his
15 estate. From any amounts recovered under this subsection,
16 the state is entitled to an amount equal to all sums
17 awarded as benefits to the employee or his estate, all
18 anticipated future ~~medical~~ department of employment case
19 costs and all costs of litigation. Any excess recovery
20 shall be paid to the injured employee or his estate, after
21 which the department's case shall be closed.

22
23 ~~(g)~~ (h) For purposes of subsections (e), and (f) and
24 (g) of this section, nothing in this section prohibits any

1 third party from reimbursing the worker's compensation
2 account for ~~medical or temporary total disability costs~~
3 ~~without prejudice prior to any judgment, settlement or~~
4 ~~release~~ all payments made to, and any amount reserved for
5 or on behalf of, the employee under this act.

6
7 **27-14-108. Extrahazardous industries, employments,**
8 **occupations; enumeration; definitions; optional coverage.**

9
10 (g) This act does not apply to the following:

11
12 (iv) Employers whose business is primarily
13 itinerant and whose business operations do not have a fixed
14 base of operations within Wyoming; ~~This paragraph shall~~
15 ~~not prohibit coverage of any resident employee performing~~
16 ~~substantially all of his services within Wyoming;~~

17
18 **27-14-201. Rates and classifications; rate surcharge.**

19
20 (t) The division may, in accordance with its rules
21 and regulations, create and implement a premium deductible
22 program. The following provisions shall apply to the
23 premium deductible program:

24

1 (i) Participating employers shall sign a
2 contract with the division, clearly identifying the terms
3 of the program;

4
5 (ii) Participating employers will be assigned a
6 reduced industry base rate for premium calculation
7 purposes. The industry base rate reduction shall be
8 determined in a manner that reflects the dollar amount of
9 the deductible and is consistent with an actuarially sound
10 workers' compensation account;

11
12 (iii) Participating employers shall be
13 financially stable, in good standing with the division, and
14 participate in the safety program as defined in subdivision
15 (o) of this section;

16
17 (iv) Participating employers shall report all
18 work injuries within the timeframes as defined in W.S. 27-
19 14-502;

20
21 (v) Participating employers failing to meet the
22 requirements of the premium deductible program will have
23 their premium base rate reinstated at the full industry
24 base rate, retroactive to the reporting period in which the

1 employer first became non-compliant. Employers whose
2 premium base rate is reinstated at the full industry base
3 rate under this paragraph shall not be re-eligible for the
4 premium deductible program for a minimum of eight (8)
5 calendar quarters;

6
7 (vi) Participation in the premium deductible
8 program cannot be transferred to a successor employer nor
9 can it be incorporated as part of a merger among employing
10 units.

11
12 **27-14-205. State contributions; presumed pay of**
13 **specified employees.**

14
15 (c) For purposes of determining employer
16 contributions under this act for officers of a corporation
17 or members of a limited liability company electing coverage
18 under W.S. 27-14-108(k), rates shall be applied for each
19 officer or member covered under this act against the
20 statewide average wage for the preceding ~~twelve (12) month~~
21 ~~period as determined under W.S. 27-14-802(b)~~ calendar year.

22
23 **27-14-207. Employer registration required; employer**
24 **acquiring trade of another employer.**

1

2 (b) Except as provided in subsection (c) of this
3 section, an employer acquiring the trade, organization,
4 business or substantially all of the assets of an employer
5 subject to this act shall assume the previous employer's
6 account, experience rating and premium rate as assigned by
7 the division, provided the previous employer is not
8 participating in the premium deductible program under W.S.
9 27-14-201(t). If the previous employer is participating in
10 the premium deductible program, the acquiring employer
11 shall assume the previous employer's account, experience
12 rating and premium rate as determined without premium
13 deductible program eligibility. The acquiring employer
14 shall make contributions at the premium rate which is in
15 effect at the time of the acquisition based on the existing
16 account's classification, experience rating and any
17 surcharge which may apply, as determined without premium
18 deductible program eligibility.

19

20 (c) An employer acquiring the trade, organization,
21 business or substantially all of the assets of any employer
22 subject to this act whose owners or shareholders have not
23 held an ownership interest in the employer being acquired
24 within one (1) year previous to the date of acquisition

1 shall assume the previous employer's account, ~~number,~~
2 experience rating and premium rate as assigned by the
3 division, provided the previous employer is not
4 participating in the premium deductible program under W.S.
5 27-14-201(t). ~~An acquiring employer paying the obligation~~
6 ~~of an acquired employer as of April 1, 1999, who would have~~
7 ~~otherwise met the conditions of this subsection, shall not~~
8 ~~be liable for any unpaid obligations or liabilities of the~~
9 ~~acquired employer remaining after April 1, 1999.~~ If the
10 previous employer is participating in the premium
11 deductible program, the acquiring employer shall assume the
12 previous employer's account, experience rating and premium
13 rate as determined without premium deductible program
14 eligibility.

15

16 **27-14-301. Applicability of provisions.**

17

18 (a) This act applies to all injuries and deaths
19 occurring in Wyoming in employment described in W.S.
20 27-14-108(a), (d), (e), (j), (k), ~~or~~ (m) ~~if the employment~~
21 ~~is principally localized in Wyoming and to all injuries and~~
22 ~~deaths occurring outside of Wyoming in employment described~~
23 ~~in W.S. 27-14-108(a), (d), (e), (j), (k) or (m)~~ or (p)
24 under the following conditions:

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(i) The ~~employment is principally localized~~
employer has a principal place of business in Wyoming and
service is localized in Wyoming;

(ii) The ~~employee at the time of the injury is~~
~~working under a contract for hire made in Wyoming for~~
~~employment by an~~ employer who has does not have a principal
place of business ~~within the state established for~~
~~legitimate business-related purposes and the employment is~~
~~within the United States, a United States territory, Canada~~
~~or Mexico, but which is not principally~~ in Wyoming, service
is localized in ~~any other state, United States territory,~~
~~Canada or Mexico~~ in Wyoming and the employee is a resident
of Wyoming; or

(iii) The ~~employee at the time of the injury is~~
~~working under a contract for hire made in Wyoming for~~
~~employment principally~~ service is not localized in ~~another~~
any state, ~~United States territory, Canada or Mexico, the~~
~~workers' compensation law of which jurisdiction does not~~
~~require that the employment be covered by a workers'~~
~~compensation insurance policy issued under the laws of that~~
~~jurisdiction~~ a part of the service is performed in Wyoming

1 and the employer has a principal place of business in
2 Wyoming.

3

4 (b) For purposes of subsection (c) of this section,
5 employment is principally localized where:

6

7 (c) This act applies to all injuries and deaths
8 occurring outside of Wyoming in employment described in
9 W.S. 27-14-108(a), (d), (e), (j), (k) or (m) under the
10 following conditions;

11

12 (i) The employment is principally localized in
13 Wyoming;

14

15 (ii) The employee at the time of the injury is
16 working under a contract for hire made in Wyoming for
17 employment by an employer who has a principal place of
18 business within the state established for legitimate
19 business-related purposes and the employment is within the
20 United States, a United States territory, Canada or Mexico,
21 but which is not principally localized in any other state,
22 United States territory, Canada or Mexico; or

23

1 (iii) The employee at the time of the injury is
2 working under a contract for hire made in Wyoming for
3 employment principally localized in another state, United
4 States territory, Canada or Mexico, the workers'
5 compensation law of which jurisdiction does not require
6 that the employment be covered by a workers' compensation
7 insurance policy issued under the laws of that
8 jurisdiction.

9
10 (d) For purposes of subsection (a) of this
11 section, service is localized in Wyoming if it is performed
12 entirely within Wyoming or both within and outside of the
13 state, if the service performed outside the state is
14 incidental.

15
16 **27-14-403. Awards generally; method of payment.**

17
18 (c) All awards stated in subsection (a) of this
19 section except awards under subsections (b), (e)(ii), (iv)
20 and (v) and (h)(ii) of this section shall be paid monthly
21 at the rates prescribed by this subsection. For permanent
22 partial impairment under paragraph (a)(ii) of this section,
23 the award shall be paid monthly at the rate of two-thirds
24 (2/3) of the statewide average monthly wage for the twelve

1 (12) month period immediately preceding the quarterly
2 period in which the injury occurred as determined pursuant
3 to W.S. 27-14-802. For temporary total disability under
4 paragraph (a)(i) of this section, the award shall be paid
5 monthly at the rate of two-thirds (2/3) of the injured
6 employee's actual monthly earnings at the time of the
7 accident or incident that caused the original injury but
8 not to exceed the statewide average monthly wage for the
9 twelve (12) month period immediately preceding the
10 quarterly period in which the accident or incident that
11 caused the original injury occurred as determined pursuant
12 to W.S. 27-14-802. For permanent partial and permanent
13 total disability or death under paragraphs (a)(iii), (iv)
14 and (v) of this section, the award shall be paid monthly
15 computed as follows:

16
17 (e) If an injured employee dies as a result of the
18 work related injury whether or not an award under
19 paragraphs (a)(i) through (iv) of this section has been
20 made:

21
22 (i) All awards under paragraphs (a)(i) through
23 ~~(iii)~~ (iv) of this section shall cease as of the date of
24 death;

1

2 (g) Following payment in full of any award, or if a
3 lump sum settlement was made under subsection (f) of this
4 section when the award would have been fully paid but for
5 the lump sum settlement, to an employee for permanent total
6 disability or to a surviving spouse for death of an
7 employee, an additional award for extended benefits may be
8 granted subject to the following requirements and
9 limitations:

10

11 (i) In the case of an employee:

12

13 (E) The division may attach reasonable
14 conditions to application for or receipt of awards under
15 this subsection including retraining or educational
16 programs and the award may be adjusted in accordance with
17 fulfillment of the conditions. The requirements contained
18 in subparagraphs (A) and (B) of this paragraph shall be
19 waived once an employee who is otherwise qualified for
20 extended benefits attains sixty-five (65) years of age;

21

22 **27-14-404. Temporary total disability; benefits;**
23 **determination of eligibility; exceptions for volunteers or**

1 **prisoners; period of certification limited; temporary light**
2 **duty employment.**

3
4 (j) ~~An employer may make a written offer of temporary~~
5 ~~light~~ Whenever an employee is given a release to return to
6 light or modified duty work ~~to an employee receiving~~
7 ~~temporary total disability under subsection (a) of this~~
8 ~~section~~ by his treating health care provider, an employer
9 may offer the employee part-time work that accommodates his
10 limitations or restrictions. The offer shall be bona fide
11 and in writing on a form supplied by the division., ~~stating~~
12 ~~with specificity the proposed hours of employment, starting~~
13 ~~date, wage and functional capacity requirements of the~~
14 ~~light duty work. If the employee accepts the offer, the~~
15 ~~temporary total disability award calculated pursuant to~~
16 ~~W.S. 27-14-403(c) shall be reduced by two thirds (2/3) and~~
17 ~~the balance of the award shall not be charged to the~~
18 ~~employer's experience rating. If the employee refuses~~
19 ~~light duty work offered under this subsection, the award~~
20 ~~shall be reduced by two thirds (2/3) of the temporary total~~
21 ~~disability award calculated pursuant to W.S. 27-14-403(c)~~
22 ~~and the balance of the award shall not be charged to the~~
23 ~~employer's experience rating~~ The offer is not in effect
24 until both the employer and the employee sign the written

1 agreement and submit it to the division, subject to the
2 following conditions:

3
4 (i) ~~The health care provider who certified~~
5 ~~temporary total disability or any other health care~~
6 ~~provider who physically examined the employee certifies,~~
7 ~~following review of the written work offer, that the~~
8 ~~offered light duty work is not expected to unreasonably~~
9 ~~endanger the employee or unreasonably hinder the employee's~~
10 ~~recovery~~ An employee who accepts the offer for light or
11 modified duty work will be paid temporary partial
12 disability benefits for the period of time he works in a
13 light or modified duty capacity. Temporary partial
14 disability benefits paid shall be paid in an amount which
15 is two-thirds (2/3) of the difference between the
16 employee's light or modified duty and pre-injury wages;

17
18 (ii) ~~The light duty work assignment is not~~
19 ~~greater than the time period prescribed under subsection~~
20 ~~(c) of this section;~~ employer shall report to the division
21 by the fifteenth of each month, in writing on a report form
22 provided by the division, the number of hours and the
23 hourly rate of pay for the light or restricted duty worked
24 by the employee in the previous month. Temporary partial

1 disability benefits shall be adjusted monthly based on the
2 employer's report and shall continue until the employee:

3
4 (A) Is released by his treating health care
5 provider to return to work in a full duty capacity;

6
7 (B) Has returned to work in a full duty
8 capacity with the same or a new employer;

9
10 (C) Has been given a permanent partial
11 impairment rating for the residual effects of the injury;

12
13 (D) Receives light or modified duty wages,
14 or the aggregate income from all employments, which is at
15 least ninety-five percent (95%) of the employee's pre-
16 injury wages;

17
18 (E) The employee's treating health care
19 provider re-certifies that the employee is temporarily
20 totally disabled, at which time temporary total disability
21 benefits shall be provided.

22
23 ~~(iii) The reduction in the temporary total~~
24 ~~disability award commences not less than fourteen (14) days~~

1 ~~following the written~~ When an employee refuses an
2 employer's bona fide offer of light or modified duty work,
3 the employee's temporary total disability benefits shall be
4 reduced by one-third (1/3) and the reduced benefits shall
5 not be charged to the employer's account. The employee's
6 reduced benefit shall continue until the conditions of
7 paragraph (ii) of this subsection have been met;

8
9 (iv) ~~The wage paid to the employee for the~~
10 ~~temporary~~ An employee may refuse an offer of light duty
11 work, is at least two-thirds (2/3) of the employee's
12 regular wage rate at the time of injury; without
13 consequence, only when:

14
15 (A) The employee's treating health care
16 provider certifies that the employee has permanent
17 restrictions and will not be able to return to work at his
18 pre-injury occupation because of physical impairment
19 attributed to his occupational accident; and

20
21 (B) The employee substantiates that he is
22 enrolled in either an academic or vocational retraining
23 program with the intention of returning to the workforce in
24 an occupation other than the one he worked in when injured.

1

2 **27-14-408. Vocational rehabilitation; application;**
3 **eligibility; plan; limitation; modification, suspension or**
4 **termination.**

5

6 (c) Upon final determination of an injured worker's
7 eligibility for rehabilitation, the division shall
8 immediately send a copy of the application and
9 determination to the local office of the division of
10 vocational rehabilitation of the department of employment
11 workforce services.

12

13 **27-14-508. Blank form supplied by director;**
14 **instructions to employees, employers and health care**
15 **providers; training programs for clerks of court.**

16

17 (a) The director or his designee shall:

18

19 **27-14-511. Recovery of benefits paid by mistake,**
20 **misrepresentation or fraud.**

21

22 (a) An employee, employer, health care provider or
23 vendor receiving benefits under this act to which the
24 recipient is not entitled shall be liable for and repay the

1 benefit. The division shall issue a notice of overpayment
2 determination which includes a statement of reasons and
3 notice of the right to a hearing. Notice of the
4 overpayment determination shall be mailed to the party's
5 last known address of record. Any interested party may
6 request a hearing before a hearing examiner by filing a
7 written request for hearing with the division within
8 fifteen (15) days after the date the notice of the
9 overpayment determination was mailed by the division. A
10 hearing under this section shall be conducted in accordance
11 with the Wyoming Administrative Procedure Act. If timely
12 written request for hearing is not filed, the determination
13 by the division shall not be subject to further
14 administrative or judicial review. The department in its
15 discretion may recoup benefit amounts liable to be repaid
16 by deducting, without civil action, from benefits payable
17 to the recipient in the future under this act. There shall
18 be no recoupment if it would defeat the purpose of this act
19 or is against principles of equity and good conscience as
20 considered by the division in accordance with rules and
21 regulations of the division.

22

23 (b) The attorney general may bring a civil action to
24 recover the value of any benefits or other monies paid

1 under this act due to mistake, misrepresentation or fraud.
2 The attorney general shall be entitled to recover the costs
3 of suit and reasonable attorney fees in cases of
4 misrepresentation or fraud. Nothing in this section shall
5 prohibit a criminal prosecution where appropriate. The
6 attorney general's designee may serve as prosecuting
7 attorney in any criminal action brought under this section,
8 which may be brought in the first judicial district court
9 in Laramie county.

10

11 (c) In addition to the recoupment provided for in
12 this section, when an employee is convicted of or admits to
13 fraud in the receipt of any benefits under this act, the
14 employee's right to all benefits for the same injury is
15 forfeited and the employer's experience rating shall not be
16 charged for any benefits paid because of the employee's
17 fraud.

18

19 (d) When benefits are overpaid because of mistake,
20 misrepresentation or fraud to a claimant who is also a
21 covered corporate officer or covered member of a limited
22 liability company, if the respective covered employer's
23 account is in a credit status, the excess premium shall not
24 be refunded to the employer but shall be applied to the

1 claimant's case account to reimburse the amount of benefits
2 overpaid. In the event the excess premium does not wholly
3 satisfy the benefits overpaid, the department may pursue
4 the remaining balance pursuant to this section.

5
6 (e) When benefits are overpaid because of a covered
7 corporate officer's or limited liability company member's
8 misrepresentation or fraud, the employer's account shall be
9 charged for all benefits paid to the corporate officer or
10 limited liability company member.

11
12 (f) The department may cancel the amount of
13 overpayment or penalty due on any overpayment when:

14
15 (i) The employee, spouse or dependent is
16 deceased with no estate or the estate is closed and all
17 assets are distributed;

18
19 (ii) The employee, spouse or dependent is
20 adjudicated insolvent by a court of competent jurisdiction
21 with no remaining assets;

22
23 (iii) The employer, health care provider or
24 vendor is:

1

2

(A) Adjudicated insolvent by a court of competent jurisdiction with no remaining assets;

4

5

(B) Deceased with no estate or the estate is closed and all assets are distributed;

7

8

(C) A dissolved corporation with no remaining assets;

10

11

(D) Not found within three (3) years after the date of termination of coverage under this act and has no property located in the state; or

14

15

(E) Not capable of paying the total amount due within three (3) years after the date of termination of coverage under this act, has no property in the state and failure to accept a partial amount of the total as settlement may result in a substantial loss to the fund.

20

21

27-14-601. Payment or denial of claim by division; notice; objections; review and settlement of claims; filing fee.

24

1 (e) In accordance with this act, the division shall
2 by rule and regulation establish necessary procedures for
3 the review and settlement of the compensability of an
4 injury or death resulting from injury and of claims filed
5 under this act through interviews with employees, employers
6 and health care personnel or through review of written
7 reports. Nothing in this act shall prohibit the employer
8 or division from reaching a settlement of up to two
9 thousand five hundred dollars (\$2,500.00) under this
10 subsection in any one (1) case without an admission of
11 compensability or that the injury was work related. If a
12 settlement is made pursuant to this section, and the
13 contested issue was the compensability of a reported
14 injury, any amounts paid pursuant to the settlement shall
15 not be charged to the employer's experience rating.

16
17 **27-14-603. Burden of proof; required proof of**
18 **circumstances; cardiac conditions; hernia.**

19
20 (b) Benefits for employment-related ~~coronary~~cardiac
21 conditions except those directly and solely caused by an
22 injury, are not payable unless the employee establishes by
23 competent medical authority that:

24

1 **27-14-614. Direct appeal by director from any order;**
2 **stay of execution; costs.**

3

4 The director or his designee may appeal to the district
5 court from any order or judgment of the hearing examiner
6 awarding compensation or declining to award compensation
7 although he was not a party to the proceedings before the
8 hearing examiner, without the necessity of presenting any
9 petition for reopening of a case to the hearing examiner.
10 After the appeal is perfected, the hearing examiner may
11 stay the execution of the order or judgment appealed from
12 without requiring any bond. The attorney general or his
13 assistant shall represent the director in all cases. All
14 the costs of the new hearings granted upon petition of the
15 director and all costs of appeals conducted by the director
16 shall be paid by the worker's compensation account except
17 such costs as the court in its discretion shall assess
18 against any of the other parties to the cause.

19

20 **27-14-703. Disclosure of child support obligations**
21 **required; notification; amount withheld; payment;**
22 **applicability of provisions.**

23

1 (b) The division shall withhold from benefits payable
2 to an employee owing child support obligations:

3
4 (iii) Any amount otherwise required to be
5 withheld from benefits payable under this act pursuant to
6 legal process defined under 42 U.S.C. § ~~662(e)~~ 659(i)(5)
7 and properly served upon the division.

8
9 **27-14-801. Duties of director.**

10
11 (d) The director or his designee may provide for the
12 investigation of facts and circumstances regarding any
13 claim filed under this act. To carry out investigations,
14 he may acquire the services of one (1) or more physicians
15 licensed to practice medicine in this state to serve as
16 medical consultants in investigating any injury or death
17 resulting from injury, the treatment of any injury or death
18 or the recovery of any employee which is reported to the
19 division. The physician shall be paid on a fee for service
20 basis from the worker's compensation account. The director
21 or his designee may also employ consultants to review
22 medical and hospital bills submitted to the division.

23

1 **27-14-802. Rulemaking power; fees; state's average**
2 **wages; vocational rehabilitation; contracts with clerks of**
3 **district court.**

4
5 (a) The director or his designee may adopt rules and
6 regulations for administration of this act. The director or
7 his designee shall by rule and regulation establish
8 criteria for qualification of resident and nonresident
9 employers, provide for advance payments of employer
10 premiums under W.S. 27-14-202(e), provide fee schedules for
11 all medical and hospital care rendered injured employees
12 and for the establishment of the state's average monthly
13 wage. In addition, the division may by rule and regulation
14 establish a separate fee schedule for surgical procedures
15 and hospital admissions preauthorized by the division.
16 Changes in any rule or regulation adopted under this
17 subsection shall be considered only at quarterly intervals.

18
19 **Section 2.** W.S. 27-14-404(j)(v) and (vi), 27-14-
20 601(f) and 27-14-802(d) and (e) are repealed.

21
22 **Section 3.** This act is effective July 1, 2003.

23
24 (END)