

Offered: 5/16/84
Referred: Rules

Original sponsor: Labor and Commerce
Committee

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 517 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to workers' compensation; and pro-
7 viding for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 23.30.095(c) is amended to read:

10 (c) A [NO] claim for medical or surgical treatment is not valid
11 and enforceable [AS] against the employer unless, within 14 [20] days
12 following [THE FIRST] treatment [AND FOLLOWING THE TIME SET BY THE
13 BOARD FOR NOTICE OF SUBSEQUENT TREATMENTS], the physician giving the
14 treatment or the employee receiving it furnishes to the employer and
15 the board notice of the injury and treatment, preferably on a form
16 prescribed by the board. The board shall, however, excuse the failure
17 to furnish notice within 14 [20] days when it finds it to be in the
18 interest of justice to do so, and it may, upon application by a party
19 in interest, make an award for the reasonable value of the medical or
20 surgical treatment so obtained by the employee.

21 * Sec. 2. AS 23.30.155(c) is repealed and reenacted to read:

22 (c) The employer shall notify the board and the employee on a
23 form prescribed by the board that the payment of compensation has
24 begun or has been increased, decreased, suspended, terminated, re-
25 sumed, or changed in type. An initial report shall be filed with the
26 board and sent to the employee within 28 days after the date of issu-
27 ing the first payment of compensation. If at any time 21 days or more
28 pass and no compensation payment is issued, a report notifying the
29 board and the employee of the termination or suspension of

1 compensation shall be filed with the board and sent to the employee
2 within 28 days after the date the last compensation payment was
3 issued. A report shall also be filed with the board and sent to the
4 employee within 28 days after the date of issuing a payment increas-
5 ing, decreasing, resuming or changing the type of compensation paid.
6 If the employer fails to notify the board and the employee within the
7 28 days prescribed by this subsection for reporting, the employer
8 shall pay a civil penalty of \$100 for the first day plus \$10 for each
9 day thereafter that the employer failed to give notice. Total
10 penalties under this section may not exceed \$1,000 for a failure to
11 file a required report.

12 * Sec. 3. AS 23.30.155(d) is amended to read:

13 (d) If the employer controverts the right to compensation the
14 employer [HE] shall file with the board and send to the employee a
15 notice of controversion on or before the 21st [14TH] day after the
16 employer [HE] has knowledge of the alleged injury or death. If the
17 employer controverts the right to compensation after payments have
18 begun, the employer shall file with the board and send to the employee
19 a notice of controversion within seven days after [OR ON OR BEFORE] an
20 installment of compensation payable without an award is due [, A
21 NOTICE OF CONTROVERSION ON A FORM PRESCRIBED BY THE BOARD].

22 * Sec. 4. AS 23.30.155(e) is amended to read:

23 (e) If any installment of compensation payable without an award
24 is not paid within seven [14] days after it becomes due, as provided
25 in (b) of this section, there shall be added to the unpaid installment
26 an amount equal to 20 percent of it. This additional amount [, WHICH]
27 shall be paid at the same time as, and in addition to, the install-
28 ment, unless notice is filed under (d) of this section or unless the
29 nonpayment is excused by the board after a showing by the employer

1 that owing to conditions over which the employer [HE] had no control
2 the installment could not be paid within the period prescribed for the
3 payment.

4 * Sec. 5. This Act takes effect July 1, 1984.