

CD-ROM Draft Copy

Last printed 2/11/2020 11:50:00 AM
2020 1 31 benefits brochure bill mec

*** Bill No. ***

Introduced By *****

By Request of

A Bill for an Act entitled "An act transferring responsibility for providing claimants with brochure describing benefits and entitlements available under the Workers' Compensation Act from insurers to the department; allowing the department to provide additional information; amending sections 39-71-606, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-606, MCA, is amended to read:

"39-71-606. Insurer to accept or deny claim within 30 days of receipt -- notice of benefits and entitlements to claimants -- notice of denial -- notice of reopening -- notice to employer -- employer's right to loss information. (1) Each insurer under any plan for the payment of workers' compensation benefits shall, within 30 days of receipt of a claim for compensation signed by the

CD-ROM Draft Copy

Last printed 2/11/2020 11:50:00 AM
2020 1 31 benefits brochure bill mec

claimant or the claimant's representative, either accept or deny the claim and, if denied, shall inform the claimant and the department in writing of the denial.

(2) ~~The department shall make available to insurers for distribution to claimants sufficient copies of a document describing current benefits and entitlements available under Title 39, chapter 71. On receipt of a claim, each insurer shall promptly notify the claimant in writing of potential benefits and entitlements available by providing the claimant a copy of the document prepared by the department.~~ An insurer may separately provide a copy of the current benefits and entitlements document provided for in [SECTION 2] to the claimant. The copy provided by the insurer may include the insurer's name and contact information, but the insurer may not otherwise change the text of the document.

(3) Each insurer under plan No. 2 or No. 3 for the payment of workers' compensation benefits shall notify the employer of the reopening of the claim within 14 days after the reopening of a claim for the purpose of paying compensation benefits.

(4) (a) When requested by an employer that an insurer currently insures or has insured in the immediately

CD-ROM Draft Copy

Last printed 2/11/2020 11:50:00 AM
2020 1 31 benefits brochure bill mec

preceding 5 years or when requested by the employer's designated insurance producer, an insurer shall provide the loss information listed in subsection (4)(b) within 10 days of the request.

(b) Loss information provided under this subsection (4) must include for the period requested:

(i) all date of injury or occupational disease data for the employer's claims;

(ii) payment data on the employer's closed claims; and

(iii) payment data and loss reserve amounts on the employer's open claims, including all compensation benefits that are ongoing and are being charged against that employer's account.

(c) The information provided under this subsection (4) is confidential insurance information. The information may be used by the employer for internal management purposes or for procuring insurance products but may not be disclosed for any other purpose without the express written consent of the insurer.

(5) Failure of an insurer to comply with the time limitations required in subsections (1) and (3) does not constitute an acceptance of a claim as a matter of law. However, an insurer who fails to comply with 39-71-608 or

CD-ROM Draft Copy

Last printed 2/11/2020 11:50:00 AM
2020 1 31 benefits brochure bill mec

subsections (1) and (3) of this section may be assessed a penalty under 39-71-2907 if a claim is determined to be compensable by the workers' compensation court."

{*Internal References to 39-71-606:*
39-71-615x }

NEW SECTION. Section 2. Department to provide information regarding benefits and entitlements.

(1) The department shall prepare a document describing current benefits and entitlements available under Title 39, chapter 71. The department shall, upon receiving notice of a claim, provide a copy of the document to the claimant.

(2) The department may provide information to claimants of non-statutory programs or benefits offered to injured workers or the families of injured workers a not-for-profit organization. The department may not provide contact information for an injured worker to such an organization without the express consent of the injured worker. The department may adopt rules to implement this subsection (2).

CD-ROM Draft Copy

Last printed 2/11/2020 11:50:00 AM
2020 1 31 benefits brochure bill mec

NEW SECTION. **Section 3. {standard} Codification.**

[Section 2] is intended to be codified as an integral part of Title 39, chapter 71, part 2, and the provisions of Title 39, chapter 71, part 2, apply to [section 2].

NEW SECTION. **Section 4. {standard} Effective date.**

[This act] is effective July 1, 2021.

-END-

prepared by:

Mark Cadwallader
agency counsel
Department of Labor and Industry
406.444.0280
mcadwallader@mt.gov