



The Workplace Advocate

Workers' Compensation Reform

It's Been a Long Time Coming!

House Bill 709; Protect and Put NC Back To Work, passed the Senate in the North Carolina General Assembly on June 9, 2011 (it passed the House on June 1, 2011). Governor Bev Perdue is expected to sign this important legislation. CAI and ECNC (Employers Coalition of North Carolina) have focused efforts on meaningful workers' compensation reform since 2003. We along with other business advocacy groups worked many hours this legislative session to ensure the long needed worker's compensation reform became a reality. Representative Dale Folwell (Forsyth County), prime sponsor of the bill, did a masterful job of working with business groups and plaintiffs' lawyers to craft legislation acceptable to both sides. Although compromises were necessary, the passage of this legislation results in significant changes that get us much closer to the original intent of workers' compensation laws: *Provide compensation and medical benefits for injured employees regardless of fault or cause and in return, limit liability for employers.*

These significant changes will:

- Define "suitable employment" to encourage return to work, modified work and removing other roadblocks to re-employment
- Prevent claims by employees committing fraud in pre-hire questionnaires
- Revise the second opinion and doctor replacement processes with objective standards
- Provide for real employer access to health care providers for needed information
- Cap temporary total disability (TTD) at 500 weeks of wages (previously no cap)
- Cap temporary partial disability (TPD) at 500 weeks (previously 300 weeks)
- Increase burial benefits to \$10k and death benefits to 500 weeks
- Place new emphasis on return to work and the re-definition of suitable employment, meaning new vocational rehabilitation provisions in the law can be put to good use
- Reduce the Commission from seven to six members, limit terms to two six-year terms each, and subject gubernatorial appointments to legislative confirmation
- Require the Commission's rulemaking process to comply with the APA(Administrative Procedures Act) like other agencies
- Mandate that Commissioners and Deputy Commissioners comply with standards of judicial conduct
- **Applies to future claims only**

ECNC wishes to thank all of you who have supported our efforts on workers' compensation reform during this and past sessions. We could not have done it without you.