

SENATE BILL No. 133

AN ACT concerning workers compensation; relating to compilation and publication of certain statistics and data; amending K.S.A. 2002 Supp. 44-557a and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 44-557a is hereby amended to read as follows: 44-557a. (a) The director shall: (1) Compile and publish statistics to determine the causation of compensable disabilities in the state of Kansas and (2) compile and maintain a database of information on claim characteristics and costs related to ~~open and~~ closed claims, in order to determine the effectiveness of the workers compensation act to provide adequate indemnity, medical and vocational rehabilitation compensation to injured workers and to return injured workers to remunerative employment. The commissioner of insurance shall cooperate with the director and shall make available any information which will assist the director in compiling such information and statistics and may contract with the director and the secretary of the department of health and environment to collect such information as the director deems necessary. The secretary of revenue shall cooperate with the director and shall disclose individual income taxpayers names, addresses and social security numbers to the director to be used solely for the verification of workers compensation data files. For purposes of this subsection, such disclosure shall not be considered the disclosure of any particulars of a report or return.

(b) ~~In order to further the purpose of subsection (a), each self-insured employer, group-funded workers compensation pool, insurance carrier and vocational rehabilitation provider and insurance carrier shall submit to the director the disposition of a statistically significant sample of open and closed claims under the act and, in connection with the closing of each claim in which payments were made, the following: (1) The dates, time intervals, amounts and types of weekly disability payments made, (2) the dates and gross amounts of payments made to each type of medical compensation provider, (3) the dates and type of service for which payment was made and the gross amounts paid to each vocational rehabilitation provider, and (4) the dates and types of fees paid as claim costs.~~ Unless provided by regulations to the contrary, on or after January 1, 2004, any insurer, group-funded workers compensation pool or self-insured employer who voluntarily submits claim information to the director pursuant to release 1 of the international association of industrial accident boards and commission's electronic data interchange implementation guide dated August 9, 1995, and amendments thereto, up to April 4, 2002, shall be deemed to be in compliance.

(c) Each self-insured employer, group-funded workers compensation pool, ~~insurance carrier, vocational rehabilitation provider,~~ or health care facility shall submit medical information, by procedure, charge and zip code of the provider, or by hospital charge and related diagnostic and procedure codes in order to set the maximum medical fee schedule. ~~The director of workers compensation may adopt and promulgate such rules and regulations as the director deems necessary for the purposes of administering and enforcing the provisions of this section.~~

~~(c)~~ (d) The director may contract for professional actuarial or statistical services to provide assistance in determining the types of information and the methods of selecting and analyzing information as may be necessary for the director to conduct studies of ~~open and~~ closed claims under the workers compensation act and to enable the director to make valid statistical conclusions as to the distribution of costs of workers compensation benefits.

~~(d)~~ (e) The director shall obtain such office and computer equipment and employ such additional clerical help as the director deems necessary to gather such information and prepare such statistics.

~~(e)~~ (f) If a self-insured employer, group-funded workers compensation pool, ~~insurance carrier or vocational rehabilitation provider or insurance carrier~~ fails to supply the information required by this section, the director shall issue and serve upon such person a summary order or statement of the charges with respect thereto and a hearing shall be conducted thereon in accordance with the provisions of the Kansas administrative procedure act. An administrative penalty of up to \$500 for each violation or act, along with an additional penalty of up to \$100 for each week thereafter that such report or other information is not provided to the director shall be imposed.

Sec. 2. K.S.A. 2002 Supp. 44-557a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.