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2001 Survey of Rhode Island Law: LegislationL Workers' Compensation Law: An Act Relating to Labor and Labor Relations - Workers' Compensation- Benefits

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Workers' Compensation Law. *An Act Relating to Labor and Labor Relations- Workers' Compensation-Benefits.* Provides that a health care provider must give notice to an employee and his or her attorney with regard to a compensable injury for which the employee was treated and must give notice of release. A health care provider must also file an itemized bill with an employee and his or her attorney. Furthermore, this Act provides that an employer or insurer must pay weekly compensation to an injured employee who accepts suitable alternative employment. Finally, this section has been amended to delay the implementation of the six-year limitation on indemnity benefits to an injured employee who is not materially hindered. Effective, July 13, 2001. 2001 R.I. Pub. Laws ch. 355.

SUMMARY

The legislation (the Act) amends sections 28-33-8, 28-33-18.2, and 28-33-18.3 of the Workers' Compensation Law. Regarding section 28-33-8(b), the Act provides that within three days of an initial visit following an injury, the health care provider shall provide to the insurer or self-insured employer and the employee and his or her attorney, a notification of compensable injury form approved by the administrator of the medical advisory board.¹ The health care provider must also send a notice of release to the employee and his or her attorney within three days of the injured employee's release or discharge, return to work, and/or recovery from injury.² Under section 28-33-8(c)(1) a health care provider must also file an itemized bill and affidavit every six weeks until the injured employee has ascertained maximum medical improvement.³ This Act provides that an itemized bill and affidavit must be filed with the insurer, employee and his or her attorney.⁴ Prior to this Act, only the insurer and self-insured employee received any notice regarding these issues.⁵

Section 28-33-18.2(a), which involves suitable alternative employment, was amended to add that the employer or insurer shall pay the injured employee who accepts suitable alternative employ-

1. R.I. Gen. Laws § 28-33-8(b) (2001).

2. *Id.*

3. *Id.* § 28-33-8(c)(1).

4. *Id.*

5. *Id.* § 28-33-8.

ment a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between the employee's average weekly wage, earnings or salary before the injury and his or her weekly wages, earnings or salary from the suitable alternative employment.⁶

Section 28-33-18.3(a)(1) has been amended in that the definition of "material hindrance" will be applied to injuries on and after July 1, 1997, replacing July 1, 1995 as the relevant date.⁷ Material hindrance includes only compensable injuries causing more than sixty-five percent (65%) of functional impairment and/or disability.⁸ Therefore, some partially disabled employees will be able to continue to collect workers' compensation indemnity benefits for more than six years. This Act also amends section 28-33-18.3(a)(2) in that the provision of this subsection now applies to all injuries from September 1, 1990 to July 1, 1997, rather than July 1, 1995.⁹

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6. *Id.* § 28-33-18.2(a).

7. *Id.* § 28-33-18.3(a)(1).

8. *Id.*

9. *Id.* § 28-33-18.3(a)(2).