

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - WORKER'S COMPENSATION
BENEFITS

Introduced By: Senators Doyle, and Ciccone

Date Introduced: January 18, 2017

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-33-18.3 of the General Laws in Chapter 28-33 entitled
2 "Workers' Compensation - Benefits" is hereby repealed.

3 ~~**28-33-18.3. Continuation of benefits -- Partial incapacity.**~~

4 ~~(a) (1) For all injuries occurring on or after September 1, 1990, in those cases where the~~
5 ~~employee has received a notice of intention to terminate partial incapacity benefits pursuant to §~~
6 ~~28-33-18, the employee, or his or her duly authorized representative, may file with the workers'~~
7 ~~compensation court a petition for continuation of benefits on forms prescribed by the workers'~~
8 ~~compensation court. In any proceeding before the workers' compensation court on a petition for~~
9 ~~continuation of partial incapacity benefits, where the employee demonstrates by a fair~~
10 ~~preponderance of the evidence that his or her partial incapacity poses a material hindrance to~~
11 ~~obtaining employment suitable to his or her limitation, partial incapacity benefits shall continue.~~
12 ~~For injuries on and after July 1, 2023, "material hindrance" is defined to include only~~
13 ~~compensable injuries causing a greater than sixty five percent (65%) degree of functional~~
14 ~~impairment and/or disability. Any period of time for which the employee has received benefits~~
15 ~~for total incapacity shall not be included in the calculation of the three hundred and twelve week~~
16 ~~(312) period.~~

17 ~~(2) The provisions of this subsection apply to all injuries from Sept. 1, 1990, to July 1,~~
18 ~~2023.~~

1 ~~(b) (1) Where any employee's incapacity is partial and has extended for more than three~~
2 ~~hundred and twelve (312) weeks and the employee has proved an entitlement to continued~~
3 ~~benefits under subsection (a), payments made to these incapacitated employees shall be increased~~
4 ~~annually on the tenth (10th) day of May thereafter so long as the employee remains incapacitated.~~
5 ~~The increase shall be by an amount equal to the total percentage increase in the annual Consumer~~
6 ~~Price Index, United States City Average for Urban Wage Earners and Clerical Workers, as~~
7 ~~formulated and computed by the Bureau of Labor Statistics of the United States Department of~~
8 ~~Labor for the period of March 1 to February 28 each year.~~

9 ~~(2) "Index", as used in this section, refers to the Consumer Price Index, United States~~
10 ~~City Average for Urban Wage Earners and Clerical Workers, as that index was formulated and~~
11 ~~computed by the Bureau of Labor Statistics of the United States Department of Labor.~~

12 ~~(3) The annual increase shall be based upon the percentage increase, if any, in the~~
13 ~~Consumer Price Index for the month of a given year, over the index for February the previous~~
14 ~~year. Thereafter, increases shall be made on May 10 annually, based upon the percentage~~
15 ~~increase, if any, in the Consumer Price Index for the period of March 1 to February 28.~~

16 ~~(4) The computations in this section shall be made by the director of labor and training~~
17 ~~and promulgated to insurers and employers making payments required by this section. Increases~~
18 ~~shall be paid by insurers and employers without further order of the court. If payment payable~~
19 ~~under this section is not mailed within fourteen (14) days after the employer or insurer has been~~
20 ~~notified by publication in a newspaper of general circulation in the state it becomes due, there~~
21 ~~shall be added to the unpaid payment an amount equal to twenty percent (20%) of it, to be paid at~~
22 ~~the same time as, but in addition to, the payment.~~

23 ~~(5) This section applies only to payment of weekly indemnity benefits to employees as~~
24 ~~described in subdivision (b)(1) and does not apply to specific compensation payments for loss of~~
25 ~~use or disfigurement or payment of dependency benefits or any other benefits payable under the~~
26 ~~workers' compensation act.~~

27 ~~(e) No petitions for commutation shall be allowed or entertained in those cases where an~~
28 ~~employee is receiving benefits pursuant to this section.~~

29 SECTION 2. This act shall take effect upon passage, and shall apply retroactively
30 regardless of the date of injury.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - WORKER'S COMPENSATION
BENEFITS

1 This act would repeal the provision of the general laws relating to continuation of
2 workers' compensation benefits for partial incapacity.

3 This act would take effect upon passage, and would apply retroactively regardless of the
4 date of injury.

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