

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	7 - 0 - 0
<b>Yeas:</b>	Berger, Edwards C., Esquivel, Holvey, Rosenbaum, Smith P., Schaufler
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Theresa Van Winkle, Administrator
<b>Meeting Dates:</b>	5/23, 5/30

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**WHAT THE MEASURE DOES:** Allows for payment of reasonable costs for records, expert opinions, and witness fees associated with appealing a workers' compensation claim, if the claimant prevails. Caps reimbursement for reasonable costs at \$1500 unless the claimant demonstrates extraordinary circumstances justifying payment of a greater amount. Establishes that an Administrative Law Judge or the Workers' Compensation Board is required to grant the attorney that represents an injured worker a lien for recovering fees out of additional awarded compensation or the proceeds of a claim settlement if the worker signs an attorney fee agreement for representation and the attorney was instrumental in obtaining the outcome of the claim. Requires the lien process to be in accordance with Workers' Compensation Board rules that govern the payment of attorney fees.

**ISSUES DISCUSSED:**

- Amendments which are similar in scope to SB 560, which adds seven specified cancers to the existing firefighter presumption for employment caused occupational diseases for workers' compensation claims
- Circumstances in which claimants who have signed an attorney fee agreement for representation refuse to pay legal counsel after the claim is settled
- How the measure will help increase the number of attorneys who represent injured workers
- Support of the Workers' Compensation Management-Labor Advisory Committee (MLAC)

**EFFECT OF COMMITTEE AMENDMENT:** Establishes that an Administrative Law Judge or the Workers' Compensation Board is required to grant the attorney that represents an injured worker a lien for recovering fees out of additional awarded compensation or the proceeds of a claim settlement if the worker signs an attorney fee agreement for representation and the attorney was instrumental in obtaining the outcome of the claim. Requires the lien process to be in accordance with Workers' Compensation Board rules that govern the payment of attorney fees.

**BACKGROUND:** Currently, in order to bring a claim, an injured worker must pay for obtaining records, for the appearance of witnesses and the costs of preparing an expert witness report. SB 404-B allows the Workers' Compensation Board, the Administrative Law Judge or the court to order payment of these costs to the claimant, if the claimant prevails.