

HOUSE BILL NO. 757

INTRODUCED BY D. HARVEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING WORKERS' COMPENSATION LAWS;
5 REQUIRING CERTIFICATION OF WORKERS' COMPENSATION CLAIMS EXAMINERS; REQUIRING THAT
6 ALL EXAMINERS PAY A CERTIFICATION PROGRAM FEE; PROVIDING RULEMAKING AUTHORITY;
7 REMOVING A TERMINATION DATE REGARDING OPTIONS FOR EXTRATERRITORIAL WORKERS'
8 COMPENSATION COVERAGE; AMENDING SECTION 39-71-320, MCA; REPEALING SECTION 5, CHAPTER
9 315, LAWS OF 2015; AND PROVIDING EFFECTIVE DATES."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 39-71-320, MCA, is amended to read:

14 **"39-71-320. ~~Voluntary certification~~ Certification program for claims examiners -- purpose --**
15 **rulemaking -- advisory committee -- continuing education -- fee.** (1) Pursuant to the public policy stated in
16 39-71-105, accurate and prompt claims handling practices are necessary to provide appropriate service to injured
17 workers, employers, and health care providers. ~~In order to~~ To further that public policy, the purpose of this section
18 is to authorize the department to establish a ~~voluntary~~ certification program for claims examiners. The department
19 shall administer the ~~voluntary~~ certification program.

20 (2) The ~~voluntary~~ certification program is intended to improve the handling of workers' compensation
21 claims by:

- 22 (a) establishing minimum qualifications and procedures for certifying claims examiners;
- 23 (b) requiring continuing education for certified claims examiners;
- 24 (c) better educating certified claims examiners about changes in the law; and
- 25 (d) providing standards for the qualifications of instructors, courses, and materials.

26 (3) The department shall adopt rules for the certification of workers' compensation claims examiners,
27 providing for:

- 28 (a) minimum qualifications;
- 29 (b) examination;
- 30 (c) 2-year certification and renewal;

1 (d) continuing education requirements; and
2 ~~—— (e) a waiver of the examination requirement for an individual requesting certification as a claims examiner~~
3 ~~within the first 12 months after the department has adopted the initial rules under this subsection (3). The waiver~~
4 ~~is available only to an individual who has been actively engaged in the work of a claims examiner in this state,~~
5 ~~working on workers' compensation claims for 5 of the 7 years immediately preceding the individual's application~~
6 ~~for certification under this section.~~

7 (e) a process by which a claims examiner who is newly hired or is in training may perform specified
8 claims functions prior to becoming certified under this section; and

9 (f) a grace period of 12 months in which to take the examination for all noncertified individuals who were
10 working as a claims examiner as of January 1, 2019.

11 (4) The department may appoint an advisory committee composed of injured workers, insurers,
12 self-insured employers, third-party administrators, claims examiners, and members of the public to advise the
13 department on setting standards for certification and continuing education.

14 (5) The department shall maintain:

15 (a) a list of all certified claims examiners; and

16 (b) the following records related to certified claims examiners:

17 (i) documentation of current and historical certifications;

18 (ii) beginning and ending dates of certifications; and

19 (iii) continuing education records.

20 (6) The training curriculum and continuing education used by insurers, self-insured employers, and
21 third-party administrators for claims examiners must relate to the state workers' compensation system or to
22 interactions among injured workers, medical providers, and employers. The training curriculum, course content,
23 instructors, materials, instructional format, and the sponsoring organization must be approved by the department
24 as qualifying for use in certification of claims examiners. The department may offer specialized training for
25 continuing education purposes that is exempt from the approval requirements of this subsection.

26 (7) The department shall determine the number of credit hours to be awarded for completion of an
27 approved training curriculum or department-approved specialized training. The department may accept continuing
28 education credits approved by the insurance commissioner's office as provided in Title 33, chapter 17, the office
29 of public instruction, or the state bar of Montana to satisfy the continuing education requirements for renewal of
30 the claims examiner certification. The department, in its discretion, may accept continuing education credits from

1 other accrediting sources.

2 (8) The department shall by rule adopt fees commensurate with the costs of administering the voluntary
3 certification program. All fees collected by the department as provided in this section must be deposited in the
4 workers' compensation administration fund provided for in 39-71-201. The department may charge a fee for the
5 certification program, including but not limited to fees for:

6 (a) initial certification, including examination;

7 (b) certification renewal;

8 (c) approval of training curricula, including continuing education courses, course content, instructors,
9 materials, instructional format, and sponsoring organizations; and

10 (d) specialized training offered by the department."
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12 **NEW SECTION. Section 2. Repealer.** Section 5, Chapter 315, Laws of 2015, is repealed.
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14 **NEW SECTION. Section 3. Effective dates.** (1) Except as provided in subsection (2), [this act] is
15 effective on passage and approval.

16 (2) [Section 1] is effective July 1, 2019.

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