

1 **INJURED WORKER REEMPLOYMENT AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: James A. Dunnigan**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Workers' Compensation Act to address reemployment of injured
10 workers and repeals the Utah Injured Worker Reemployment Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ addresses the scope of the section on injured worker reemployment;
- 15 ▶ clarifies that the duties of the Utah State Office of Rehabilitation are not affected;
- 16 ▶ authorizes rulemaking by the commission;
- 17 ▶ addresses an initial written report;
- 18 ▶ provides for the evaluation of an injured worker and the development of a
19 reemployment plan;
- 20 ▶ establishes reemployment objectives;
- 21 ▶ imposes requirements on rehabilitation counselors;
- 22 ▶ repeals the Utah Injured Worker Reemployment Act; and
- 23 ▶ makes technical and conforming amendments.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill provides an effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **34A-2-413**, as last amended by Laws of Utah 2011, Chapters 297 and 366
 31 **34A-3-102**, as last amended by Laws of Utah 2009, Chapter 158
 32 **63A-3-501**, as last amended by Laws of Utah 2013, Chapter 74
 33 **63I-1-234 (Superseded 07/01/14)**, as last amended by Laws of Utah 2013, Chapters 54
 34 and 144

35 **63I-1-234 (Effective 07/01/14)**, as last amended by Laws of Utah 2013, Chapters 54,
 36 144, and 417

37 ENACTS:

38 **34A-2-413.5**, Utah Code Annotated 1953

39 REPEALS:

40 **34A-8a-101**, as renumbered and amended by Laws of Utah 2009, Chapter 158

41 **34A-8a-102**, as last amended by Laws of Utah 2011, Chapter 366

42 **34A-8a-104**, as renumbered and amended by Laws of Utah 2009, Chapter 158

43 **34A-8a-105**, as renumbered and amended by Laws of Utah 2009, Chapter 158

44 **34A-8a-201**, as renumbered and amended by Laws of Utah 2009, Chapter 158

45 **34A-8a-202**, as renumbered and amended by Laws of Utah 2009, Chapter 158

46 **34A-8a-203**, as enacted by Laws of Utah 2009, Chapter 158 and last amended by
 47 Coordination Clause, Laws of Utah 2009, Chapter 288

48 **34A-8a-204**, as renumbered and amended by Laws of Utah 2009, Chapter 158

49 **34A-8a-301**, as last amended by Laws of Utah 2011, Chapter 366

50 **34A-8a-302**, as last amended by Laws of Utah 2011, Chapter 366

51 **34A-8a-303**, as last amended by Laws of Utah 2011, Chapter 366

52 **34A-8a-304**, as renumbered and amended by Laws of Utah 2009, Chapter 158

53

54 *Be it enacted by the Legislature of the state of Utah:*

55 Section 1. Section **34A-2-413** is amended to read:

56 **34A-2-413. Permanent total disability -- Amount of payments -- Rehabilitation.**

57 (1) (a) In the case of a permanent total disability resulting from an industrial accident

58 or occupational disease, the employee shall receive compensation as outlined in this section.

59 (b) To establish entitlement to permanent total disability compensation, the employee
60 shall prove by a preponderance of evidence that:

61 (i) the employee sustained a significant impairment or combination of impairments as a
62 result of the industrial accident or occupational disease that gives rise to the permanent total
63 disability entitlement;

64 (ii) the employee has a permanent, total disability; and

65 (iii) the industrial accident or occupational disease is the direct cause of the employee's
66 permanent total disability.

67 (c) To establish that an employee has a permanent, total disability the employee shall
68 prove by a preponderance of the evidence that:

69 (i) the employee is not gainfully employed;

70 (ii) the employee has an impairment or combination of impairments that limit the
71 employee's ability to do basic work activities;

72 (iii) the industrial or occupationally caused impairment or combination of impairments
73 prevent the employee from performing the essential functions of the work activities for which
74 the employee has been qualified until the time of the industrial accident or occupational disease
75 that is the basis for the employee's permanent total disability claim; and

76 (iv) the employee cannot perform other work reasonably available, taking into
77 consideration the employee's:

78 (A) age;

79 (B) education;

80 (C) past work experience;

81 (D) medical capacity; and

82 (E) residual functional capacity.

83 (d) Evidence of an employee's entitlement to disability benefits other than those
84 provided under this chapter and Chapter 3, Utah Occupational Disease Act, if relevant:

85 (i) may be presented to the commission;

86 (ii) is not binding; and
87 (iii) creates no presumption of an entitlement under this chapter and Chapter 3, Utah
88 Occupational Disease Act.

89 (e) In determining under Subsections (1)(b) and (c) whether an employee cannot
90 perform other work reasonably available, the following may not be considered:

91 (i) whether the employee is incarcerated in a facility operated by or contracting with a
92 federal, state, county, or municipal government to house a criminal offender in either a secure
93 or nonsecure setting; or

94 (ii) whether the employee is not legally eligible to be employed because of a reason
95 unrelated to the impairment or combination of impairments.

96 (2) For permanent total disability compensation during the initial 312-week
97 entitlement, compensation is 66-2/3% of the employee's average weekly wage at the time of the
98 injury, limited as follows:

99 (a) compensation per week may not be more than 85% of the state average weekly
100 wage at the time of the injury;

101 (b) (i) subject to Subsection (2)(b)(ii), compensation per week may not be less than the
102 sum of \$45 per week and:

103 (A) \$5 for a dependent spouse; and

104 (B) \$5 for each dependent child under the age of 18 years, up to a maximum of four
105 dependent minor children; and

106 (ii) the amount calculated under Subsection (2)(b)(i) may not exceed:

107 (A) the maximum established in Subsection (2)(a); or

108 (B) the average weekly wage of the employee at the time of the injury; and

109 (c) after the initial 312 weeks, the minimum weekly compensation rate under
110 Subsection (2)(b) is 36% of the current state average weekly wage, rounded to the nearest
111 dollar.

112 (3) This Subsection (3) applies to claims resulting from an accident or disease arising
113 out of and in the course of the employee's employment on or before June 30, 1994.

114 (a) The employer or its insurance carrier is liable for the initial 312 weeks of permanent
115 total disability compensation except as outlined in Section 34A-2-703 as in effect on the date
116 of injury.

117 (b) The employer or its insurance carrier may not be required to pay compensation for
118 any combination of disabilities of any kind, as provided in this section and Sections 34A-2-410
119 through 34A-2-412 and Part 5, Industrial Noise, in excess of the amount of compensation
120 payable over the initial 312 weeks at the applicable permanent total disability compensation
121 rate under Subsection (2).

122 (c) The Employers' Reinsurance Fund shall for an overpayment of compensation
123 described in Subsection (3)(b), reimburse the overpayment:

- 124 (i) to the employer or its insurance carrier; and
- 125 (ii) out of the Employers' Reinsurance Fund's liability to the employee.

126 (d) After an employee receives compensation from the employee's employer, its
127 insurance carrier, or the Employers' Reinsurance Fund for any combination of disabilities
128 amounting to 312 weeks of compensation at the applicable permanent total disability
129 compensation rate, the Employers' Reinsurance Fund shall pay all remaining permanent total
130 disability compensation.

131 (e) Employers' Reinsurance Fund payments shall commence immediately after the
132 employer or its insurance carrier satisfies its liability under this Subsection (3) or Section
133 34A-2-703.

134 (4) This Subsection (4) applies to claims resulting from an accident or disease arising
135 out of and in the course of the employee's employment on or after July 1, 1994.

136 (a) The employer or its insurance carrier is liable for permanent total disability
137 compensation.

138 (b) The employer or its insurance carrier may not be required to pay compensation for
139 any combination of disabilities of any kind, as provided in this section and Sections 34A-2-410
140 through 34A-2-412 and Part 5, Industrial Noise, in excess of the amount of compensation
141 payable over the initial 312 weeks at the applicable permanent total disability compensation

142 rate under Subsection (2).

143 (c) The employer or its insurance carrier may recoup the overpayment of compensation
144 described in Subsection (4) by reasonably offsetting the overpayment against future liability
145 paid before or after the initial 312 weeks.

146 (5) (a) A finding by the commission of permanent total disability is not final, unless
147 otherwise agreed to by the parties, until:

148 (i) an administrative law judge reviews a summary of reemployment activities
149 undertaken pursuant to [~~Chapter 8a, Utah Injured Worker Reemployment Act~~] Section
150 [34A-2-413.5](#);

151 (ii) the employer or its insurance carrier submits to the administrative law judge:

152 (A) a reemployment plan as prepared by a qualified rehabilitation provider reasonably
153 designed to return the employee to gainful employment; or

154 (B) notice that the employer or its insurance carrier will not submit a plan; and

155 (iii) the administrative law judge, after notice to the parties, holds a hearing, unless
156 otherwise stipulated, to:

157 (A) consider evidence regarding rehabilitation; and

158 (B) review any reemployment plan submitted by the employer or its insurance carrier
159 under Subsection (5)(a)(ii).

160 (b) Before commencing the procedure required by Subsection (5)(a), the administrative
161 law judge shall order:

162 (i) the initiation of permanent total disability compensation payments to provide for the
163 employee's subsistence; and

164 (ii) the payment of any undisputed disability or medical benefits due the employee.

165 (c) Notwithstanding Subsection (5)(a), an order for payment of benefits described in
166 Subsection (5)(b) is considered a final order for purposes of Section [34A-2-212](#).

167 (d) The employer or its insurance carrier shall be given credit for any disability
168 payments made under Subsection (5)(b) against its ultimate disability compensation liability
169 under this chapter or Chapter 3, Utah Occupational Disease Act.

170 (e) An employer or its insurance carrier may not be ordered to submit a reemployment
171 plan. If the employer or its insurance carrier voluntarily submits a plan, the plan is subject to
172 Subsections (5)(e)(i) through (iii).

173 (i) The plan may include, but not require an employee to pay for:

174 (A) retraining;

175 (B) education;

176 (C) medical and disability compensation benefits;

177 (D) job placement services; or

178 (E) incentives calculated to facilitate reemployment.

179 (ii) The plan shall include payment of reasonable disability compensation to provide
180 for the employee's subsistence during the rehabilitation process.

181 (iii) The employer or its insurance carrier shall diligently pursue the reemployment
182 plan. The employer's or insurance carrier's failure to diligently pursue the reemployment plan
183 is cause for the administrative law judge on the administrative law judge's own motion to make
184 a final decision of permanent total disability.

185 (f) If a preponderance of the evidence shows that successful rehabilitation is not
186 possible, the administrative law judge shall order that the employee be paid weekly permanent
187 total disability compensation benefits.

188 (g) If a preponderance of the evidence shows that pursuant to a reemployment plan, as
189 prepared by a qualified rehabilitation provider and presented under Subsection (5)(e), an
190 employee could immediately or without unreasonable delay return to work but for the
191 following, an administrative law judge shall order that the employee be denied the payment of
192 weekly permanent total disability compensation benefits:

193 (i) incarceration in a facility operated by or contracting with a federal, state, county, or
194 municipal government to house a criminal offender in either a secure or nonsecure setting; or

195 (ii) not being legally eligible to be employed because of a reason unrelated to the
196 impairment or combination of impairments.

197 (6) (a) The period of benefits commences on the date the employee acquired the

198 permanent, total disability, as determined by a final order of the commission based on the facts
199 and evidence, and ends:

200 (i) with the death of the employee; or

201 (ii) when the employee is capable of returning to regular, steady work.

202 (b) An employer or its insurance carrier may provide or locate for a permanently totally
203 disabled employee reasonable, medically appropriate, part-time work in a job earning at least
204 minimum wage, except that the employee may not be required to accept the work to the extent
205 that it would disqualify the employee from Social Security disability benefits.

206 (c) An employee shall:

207 (i) fully cooperate in the placement and employment process; and

208 (ii) accept the reasonable, medically appropriate, part-time work.

209 (d) In a consecutive four-week period when an employee's gross income from the work
210 provided under Subsection (6)(b) exceeds \$500, the employer or insurance carrier may reduce
211 the employee's permanent total disability compensation by 50% of the employee's income in
212 excess of \$500.

213 (e) If a work opportunity is not provided by the employer or its insurance carrier, an
214 employee with a permanent, total disability may obtain medically appropriate, part-time work
215 subject to the offset provisions of Subsection (6)(d).

216 (f) (i) The commission shall establish rules regarding the part-time work and offset.

217 (ii) The adjudication of disputes arising under this Subsection (6) is governed by Part
218 8, Adjudication.

219 (g) The employer or its insurance carrier has the burden of proof to show that
220 medically appropriate part-time work is available.

221 (h) The administrative law judge may:

222 (i) excuse an employee from participation in any work:

223 (A) that would require the employee to undertake work exceeding the employee's:

224 (I) medical capacity; or

225 (II) residual functional capacity; or

226 (B) for good cause; or
227 (ii) allow the employer or its insurance carrier to reduce permanent total disability
228 benefits as provided in Subsection (6)(d) when reasonable, medically appropriate, part-time
229 work is offered, but the employee fails to fully cooperate.

230 (7) When an employee is rehabilitated or the employee's rehabilitation is possible but
231 the employee has some loss of bodily function, the award shall be for permanent partial
232 disability.

233 (8) As determined by an administrative law judge, an employee is not entitled to
234 disability compensation, unless the employee fully cooperates with any evaluation or
235 reemployment plan under this chapter or Chapter 3, Utah Occupational Disease Act. The
236 administrative law judge shall dismiss without prejudice the claim for benefits of an employee
237 if the administrative law judge finds that the employee fails to fully cooperate, unless the
238 administrative law judge states specific findings on the record justifying dismissal with
239 prejudice.

240 (9) (a) The loss or permanent and complete loss of the use of the following constitutes
241 total and permanent disability that is compensated according to this section:

- 242 (i) both hands;
- 243 (ii) both arms;
- 244 (iii) both feet;
- 245 (iv) both legs;
- 246 (v) both eyes; or
- 247 (vi) any combination of two body members described in this Subsection (9)(a).

248 (b) A finding of permanent total disability pursuant to Subsection (9)(a) is final.

249 (10) (a) An insurer or self-insured employer may periodically reexamine a permanent
250 total disability claim, except those based on Subsection (9), for which the insurer or
251 self-insured employer had or has payment responsibility to determine whether the employee
252 continues to have a permanent, total disability.

253 (b) Reexamination may be conducted no more than once every three years after an

254 award is final, unless good cause is shown by the employer or its insurance carrier to allow
255 more frequent reexaminations.

256 (c) The reexamination may include:

257 (i) the review of medical records;

258 (ii) employee submission to one or more reasonable medical evaluations;

259 (iii) employee submission to one or more reasonable rehabilitation evaluations and
260 retraining efforts;

261 (iv) employee disclosure of Federal Income Tax Returns;

262 (v) employee certification of compliance with Section 34A-2-110; and

263 (vi) employee completion of one or more sworn affidavits or questionnaires approved
264 by the division.

265 (d) The insurer or self-insured employer shall pay for the cost of a reexamination with
266 appropriate employee reimbursement pursuant to rule for reasonable travel allowance and per
267 diem as well as reasonable expert witness fees incurred by the employee in supporting the
268 employee's claim for permanent total disability benefits at the time of reexamination.

269 (e) If an employee fails to fully cooperate in the reasonable reexamination of a
270 permanent total disability finding, an administrative law judge may order the suspension of the
271 employee's permanent total disability benefits until the employee cooperates with the
272 reexamination.

273 (f) (i) If the reexamination of a permanent total disability finding reveals evidence that
274 reasonably raises the issue of an employee's continued entitlement to permanent total disability
275 compensation benefits, an insurer or self-insured employer may petition the Division of
276 Adjudication for a rehearing on that issue. The insurer or self-insured employer shall include
277 with the petition, documentation supporting the insurer's or self-insured employer's belief that
278 the employee no longer has a permanent, total disability.

279 (ii) If the petition under Subsection (10)(f)(i) demonstrates good cause, as determined
280 by the Division of Adjudication, an administrative law judge shall adjudicate the issue at a
281 hearing.

282 (iii) Evidence of an employee's participation in medically appropriate, part-time work
283 may not be the sole basis for termination of an employee's permanent total disability
284 entitlement, but the evidence of the employee's participation in medically appropriate, part-time
285 work under Subsection (6) may be considered in the reexamination or hearing with other
286 evidence relating to the employee's status and condition.

287 (g) In accordance with Section 34A-1-309, the administrative law judge may award
288 reasonable attorney fees to an attorney retained by an employee to represent the employee's
289 interests with respect to reexamination of the permanent total disability finding, except if the
290 employee does not prevail, the attorney fees shall be set at \$1,000. The attorney fees awarded
291 shall be paid by the employer or its insurance carrier in addition to the permanent total
292 disability compensation benefits due.

293 (h) During the period of reexamination or adjudication, if the employee fully
294 cooperates, each insurer, self-insured employer, or the Employers' Reinsurance Fund shall
295 continue to pay the permanent total disability compensation benefits due the employee.

296 (11) If any provision of this section, or the application of any provision to any person
297 or circumstance, is held invalid, the remainder of this section is given effect without the invalid
298 provision or application.

299 Section 2. Section 34A-2-413.5 is enacted to read:

300 **34A-2-413.5. Injured worker reemployment.**

301 (1) As used in this section:

302 (a) (i) "Gainful employment" means employment that:

303 (A) is reasonably attainable in view of an industrial injury or occupational disease; and

304 (B) offers to an injured worker, as reasonably feasible, an opportunity for earnings.

305 (ii) Factors considered in determining gainful employment include an injured worker's:

306 (A) education;

307 (B) experience; and

308 (C) physical and mental impairment and condition.

309 (b) "Initial written report" means a report described in Subsection (5).

310 (c) "Injured worker" means an employee who sustains an industrial injury or
311 occupational disease for which benefits are provided under this chapter or Chapter 3, Utah
312 Occupational Disease Act.

313 (d) "Injured worker with a disability" means an injured worker who:

314 (i) because of the injury or disease that is the basis of the employee being an injured
315 worker:

316 (A) is or will be unable to return to work in the injured worker's usual and customary
317 occupation; or

318 (B) is unable to perform work for which the injured worker has previous training and
319 experience; and

320 (ii) reasonably can be expected to attain gainful employment after an evaluation
321 provided for in accordance with this section.

322 (e) "Parties" means:

323 (i) an injured worker with a disability;

324 (ii) the employer of the injured worker with a disability;

325 (iii) the employer's workers' compensation insurance carrier; and

326 (iv) a rehabilitation or reemployment professional for the employer or the employer's
327 workers' compensation insurance carrier.

328 (f) "Reemployment plan" means a written:

329 (i) description or rationale for the manner and means by which it is proposed an injured
330 worker with a disability may return to gainful employment; and

331 (ii) definition of the voluntary responsibilities of:

332 (A) the injured worker with a disability;

333 (B) the employer; and

334 (C) one or more other parties involved with the implementation of the reemployment
335 plan.

336 (2) (a) This section applies only to an industrial injury or occupational disease that
337 occurs on or after July 1, 1990.

338 (b) This section is intended to promote and monitor the state's and the employer's
339 capacity to assist the injured worker in returning to the workforce by evaluating the
340 effectiveness of the voluntary efforts of employers under this section.

341 (3) This section does not affect the duties of the Utah State Office of Rehabilitation.

342 (4) The commission may provide for the administration of this section by rule in
343 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

344 (5) An employer or the employer's workers' compensation insurance carrier may
345 voluntarily prepare an initial written report assessing an injured worker's need or lack of need
346 for vocational assistance in reemployment if:

347 (a) it appears that the injured worker is or will be an injured worker with a disability; or

348 (b) the period of the injured worker's temporary total disability compensation period
349 exceeds 90 days.

350 (6) (a) Subject to Subsection (6)(b), an employer or the employer's workers'
351 compensation insurance carrier may serve the initial written report, if one has been prepared,
352 on the injured worker.

353 (b) If an employer or the employer's workers' compensation insurance carrier serves an
354 initial written report on an injured worker, the employer or the employer's workers'
355 compensation insurance carrier shall comply with Subsection (6)(a) by no later than 30 days
356 after the earlier of the day on which:

357 (i) it appears that the injured worker is or will be an injured worker with a disability; or

358 (ii) the 90-day period described in Subsection (5)(b) ends.

359 (7) With the initial written report, if one is prepared and used in the determination
360 process, an employer or the employer's workers' compensation insurance carrier shall provide
361 an injured worker information regarding reemployment.

362 (8) Subject to the other provisions of this section, if an injured worker is an injured
363 worker with a disability, the employer or the employer's workers' compensation insurance
364 carrier may, within 10 days after the day on which the employer or workers' compensation
365 insurance carrier serves the initial written report on the injured worker, refer the injured worker

366 with a disability to:

367 (a) the Utah State Office of Rehabilitation; or

368 (b) at the employer's or workers' compensation insurance carrier's option, a private
369 rehabilitation or reemployment service.

370 (9) An employer or the employer's workers' compensation insurance carrier shall make
371 the referral required by Subsection (8) for the purpose of:

372 (a) providing an evaluation; and

373 (b) developing a reemployment plan.

374 (10) The objective of reemployment is to return an injured worker with a disability to
375 gainful employment in the following order of employment priority:

376 (a) same job, same employer;

377 (b) modified job, same employer;

378 (c) same job, new employer;

379 (d) modified job, new employer;

380 (e) new job, new employer; or

381 (f) retraining in a new occupation.

382 (11) Nothing in this section or its application is intended to:

383 (a) modify or in any way affect an existing employee-employer relationship; or

384 (b) provide an employee with a guarantee or right to employment or continued
385 employment with an employer.

386 (12) A rehabilitation counselor to whom a referral is made under Subsection (8) shall
387 have the same or comparable qualifications as those established by the Utah State Office of
388 Rehabilitation for personnel assigned to rehabilitation and evaluation duties.

389 Section 3. Section **34A-3-102** is amended to read:

390 **34A-3-102. Chapter to be administered by commission -- Exclusive remedy.**

391 (1) The commission shall administer this chapter through the division, the Division of
392 Adjudication, and the Appeals Board in accordance with Section [34A-2-112](#).

393 (2) Subject to the limitations provided in this chapter and, unless otherwise noted, all

394 provisions of Chapter 2, Workers' Compensation Act, [~~and Chapter 8a, Utah Injured Worker~~
395 ~~Reemployment Act,~~] are incorporated into this chapter and shall be applied to occupational
396 disease claims.

397 (3) The right to recover compensation under this chapter for diseases or injuries to
398 health sustained by a Utah employee is the exclusive remedy as outlined in Section [34A-2-105](#).

399 Section 4. Section **63A-3-501** is amended to read:

400 **63A-3-501. Definitions.**

401 As used in this part:

402 (1) (a) "Accounts receivable" or "receivables" means any amount due to a state agency
403 from an entity for which payment has not been received by the state agency that is servicing the
404 debt.

405 (b) "Accounts receivable" includes unpaid fees, licenses, taxes, loans, overpayments,
406 fines, forfeitures, surcharges, costs, contracts, interest, penalties, restitution to victims,
407 third-party claims, sale of goods, sale of services, claims, and damages.

408 (2) "Administrative offset" means:

409 (a) a reduction of an individual's tax refund or other payments due to the individual to
410 reduce or eliminate accounts receivable that the individual owes to a state agency; and

411 (b) a reduction of an entity's tax refund or other payments due to the entity to reduce or
412 eliminate accounts receivable that the entity owes to a state agency.

413 (3) "Entity" means an individual, a corporation, partnership, or other organization that
414 pays taxes to or does business with the state.

415 (4) "Office" means the Office of State Debt Collection established by this part.

416 (5) "Past due" means any accounts receivable that the state has not received by the
417 payment due date.

418 (6) "Restitution to victims" means restitution ordered by a court to be paid to a victim
419 of an offense in a criminal or juvenile proceeding.

420 (7) (a) "State agency" includes:

421 (i) any department, division, commission, council, board, bureau, committee, office, or

422 other administrative subunit of Utah state government;

423 (ii) the legislative branch of state government; and

424 (iii) the judicial branches of state government, including justice courts.

425 (b) "State agency" does not include:

426 (i) any institution of higher education;

427 (ii) except in Subsection 63A-3-502(7)(g), the State Tax Commission; or

428 (iii) the administrator of the Uninsured Employers' Fund appointed by the Labor

429 Commissioner under Section 34A-2-704, solely for the purposes of collecting money required

430 to be deposited into the Uninsured Employers' Fund under:

431 (A) Section 34A-1-405;

432 (B) Title 34A, Chapter 2, Workers' Compensation Act; or

433 (C) Title 34A, Chapter 3, Utah Occupational Disease Act[~~;~~ ~~or~~].

434 [~~(D) Title 34A, Chapter 8a, Utah Injured Worker Reemployment Act.~~]

435 (8) "Writing-off" means the removal of an accounts receivable from an agency's

436 accounts receivable records but does not necessarily eliminate further collection efforts.

437 Section 5. Section 63I-1-234 (Superseded 07/01/14) is amended to read:

438 **63I-1-234 (Superseded 07/01/14). Repeal dates, Titles 34 and 34A.**

439 (1) Title 34, Chapter 47, Worker Classification Coordinated Enforcement Act, is

440 repealed July 1, 2016.

441 (2) Section 34A-2-202.5 is repealed December 31, 2020.

442 (3) Section 34A-2-705 and Subsection 59-9-101(2)(c)(iv) are repealed July 1, 2018.

443 [~~(4) Title 34A, Chapter 8a, Utah Injured Worker Reemployment Act, is repealed July~~

444 ~~1, 2014.~~]

445 Section 6. Section 63I-1-234 (Effective 07/01/14) is amended to read:

446 **63I-1-234 (Effective 07/01/14). Repeal dates, Titles 34 and 34A.**

447 (1) Title 34, Chapter 47, Worker Classification Coordinated Enforcement Act, is

448 repealed July 1, 2016.

449 (2) Section 34A-2-202.5 is repealed December 31, 2020.

450 (3) Section 34A-2-705 and Subsection 59-9-101(2)(c)(iv) are repealed July 1, 2018.
451 [~~(4) Title 34A, Chapter 8a, Utah Injured Worker Reemployment Act, is repealed July~~
452 ~~1, 2014.~~]

453 [~~(5)~~ (4) Section 34A-2-213, Coordination of benefits with health benefit plan --
454 Timely payment of claims, is repealed July 1, 2018.

455 Section 7. **Repealer.**

456 This bill repeals:

457 Section 34A-8a-101, **Title -- Intent statement.**

458 Section 34A-8a-102, **Definitions.**

459 Section 34A-8a-104, **Application.**

460 Section 34A-8a-105, **Duties of Utah State Office of Rehabilitation not affected.**

461 Section 34A-8a-201, **Chapter administration.**

462 Section 34A-8a-202, **Rulemaking authority.**

463 Section 34A-8a-203, **Reporting.**

464 Section 34A-8a-204, **Administrative review.**

465 Section 34A-8a-301, **Initial report on injured worker.**

466 Section 34A-8a-302, **Evaluation of injured worker -- Reemployment plan.**

467 Section 34A-8a-303, **Reemployment objectives.**

468 Section 34A-8a-304, **Rehabilitation counselor.**

469 Section 8. **Effective date.**

470 (1) Except as provided in Subsection (2), this bill takes effect on May 13, 2014.

471 (2) The amendments to Section 63I-1-234 (Effective 07/01/14) take effect on July 1,
472 2014.