

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE MULLERY

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1 Amend Bill, page 1, line 10, by inserting after "for"
2 periodic payment of compensation, providing for powers of
3 referees, further providing for

4 Amend Bill, page 1, line 10, by inserting after "review"
5 and for penalties

6 Amend Bill, page 7, line 16, by striking out all of said line
7 and inserting

8 Section 2. Section 308 of the act is amended to read:

9 Section 308. (a) Except as hereinafter provided, all
10 compensation payable under this article shall be payable in
11 periodical installments, as the wages of the employe were
12 payable before the injury.

13 (b) It shall be a violation of this section if a payment is
14 not delivered to the claimant within seven days of the
15 recognized payment date for a week, or weeks, of disability,
16 provided that the employer or insurer has not taken an action
17 provided in section 413(b) which permits suspension or
18 termination of benefits.

19 Section 3. The act is amended by adding a section to read:

20 Section 402.2. The department shall establish a petition for
21 alleging violations of sections 308, 406.1, 413(b), 418(b) and
22 438(b) to ensure violations of the time standards provided in
23 these sections are promptly enforced. A petition filed under
24 this section shall be assigned to a referee within seven
25 business days after the filing date. A hearing shall be
26 conducted on the petition within fourteen business days of its
27 assignment to a referee. Proper notice shall be given all
28 parties as to the time and location of the hearing. A decision
29 on the petition shall be rendered within twenty-one days,
30 provided that no continuance has been granted. The referee's
31 decision shall include findings of fact, the amount of any
32 administrative fine to be imposed under section 435(d.1), the
33 amount of unpaid compensation owed or unpaid medical bills due,
34 the interest penalty to be paid, and penalty imposed pursuant to
35 section 435(d).

1 Section 4. Sections 418 and 420 of the act are amended to
2 read:

3 Section 418. (a) The referee to whom a petition is assigned
4 for hearing, may subpoena witnesses, order the production of
5 books and other writings, and hear evidence, shall make a record
6 of hearings, and shall make, in writing and as soon as may be
7 after the conclusion of the hearing, such findings of fact,
8 conclusions of law, and award or disallowance of compensation or
9 other order, as the petition and answers and the evidence
10 produced before him and the provisions of this act shall, in his
11 judgment, require. The findings of fact made by a referee to
12 whom a petition has been assigned or any question of fact has
13 been referred under the provisions of section four hundred and
14 nineteen shall be final, unless an appeal is taken as provided
15 in this act.

16 (b) Compensation and medical bills which are determined to
17 be due to a claimant in a referee's final order shall be paid to
18 the claimant within thirty days of the issuance of the order:
19 Provided however, That if the decision is appealed and a
20 supersedeas is requested, the time limitation shall not apply;
21 and Provided further, That if a supersedeas is denied,
22 compensation and medical bills shall be paid within ten days of
23 the denial.

24 Amend Bill, page 8, by inserting between lines 17 and 18

25 Section 5. Section 435(d) of the act is amended and the
26 section is amended by adding a subsection to read:

27 Section 435. * * *

28 (d) The department, the board, or any court which may hear
29 any proceedings brought under this act shall have the power to
30 impose penalties as provided herein for violations of the
31 provisions of this act or such rules and regulations or rules of
32 procedure:

33 (i) Employers and insurers may be penalized a sum not
34 exceeding ten per centum of the amount awarded and interest
35 accrued and payable: Provided, however, That such penalty may be
36 increased to [fifty] ~~seventy-five~~ per centum in cases of
37 unreasonable or excessive delays. Such penalty shall be payable
38 to the same persons to whom the compensation is payable.

39 (ii) Any penalty or interest provided for anywhere in this
40 act shall not be considered as compensation for the purposes of
41 any limitation on the total amount of compensation payable which
42 is set forth in this act.

43 (iii) Claimants shall forfeit any interest that would
44 normally be payable to them with respect to any period of
45 unexcused delay which they have caused.

46 (d.1) In addition to the penalties provided for under
47 subsection (d), the department, the board or a court which may
48 hear proceedings brought under this act shall have the power to
49 impose an administrative penalty as provided in this subsection

1 for violations of section 308, 406.1, 413(b), 418(b) or 438(b):
2 (i) Employers and insurers may be penalized a sum of not
3 less than twenty-five dollars nor more than one hundred dollars
4 for each day of violation. The administrative penalty shall be
5 payable to the department.

6 (ii) The administrative penalty may be imposed if the
7 violation was flagrant, there has been a history of repeat
8 violations on the same claim, the violation was an attempt to
9 pressure a claimant into settlement or where employers or
10 insurers acted in bad faith.

11 (iii) An administrative penalty imposed under this
12 subsection shall not be considered as compensation for the
13 purpose of any limitation on the total amount of compensation
14 payable which is provided in this act.

15 (iv) This subsection shall not apply to violations that
16 occur beyond the control of employers or insurers.

17 * * *

18 Amend Bill, page 8, line 18, by striking out "3" and
19 inserting

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21 Amend Bill, page 8, line 22, by striking out "4" and
22 inserting

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