

# Bill as Introduced

HB 216-FN - AS INTRODUCED

2009 SESSION

09-0655  
01/05

HOUSE BILL

**216-FN**

AN ACT relative to fees for legal services rendered to workers' compensation claimants.

SPONSORS: Rep. Nixon, Hills 17

COMMITTEE: Labor, Industrial and Rehabilitative Services

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ANALYSIS

This bill clarifies the fees for legal services rendered to workers' compensation claimants.

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Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nine*

AN ACT relative to fees for legal services rendered to workers' compensation claimants.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Workers' Compensation; Awards of Fees and Interest. Amend RSA 281-A:44, VI to read as  
2 follows:

3 VI. No attorney representing a claimant shall contract for, charge for, or collect a fee for  
4 legal service rendered to the claimant at the department level unless the fee has been approved by  
5 the commissioner. In determining the amount of the allowable fee, the commissioner shall consider,  
6 among other things, the nature, length and complexity of the service performed, the usual and  
7 customary charge for work of the like kind and the benefit accruing to the claimant as a result of the  
8 legal service performed; provided, however, that when an insurance carrier, self insurer, or payor  
9 acting on behalf of such carrier or self insurer disputes the causal relationship of a medical bill to the  
10 claimant's injury, or whether a medical bill was required by the nature of the injury, and denies  
11 payment of such bill, is after a hearing, ordered to pay or reimburse the bill by the commissioner *or*  
12 *if the payment is voluntarily made less than 30 days prior to the date of the initially*  
13 *scheduled hearing*, the claimant shall be entitled to reimbursement of reasonable counsel fees and  
14 costs as approved by the commissioner. The claimant shall be entitled to reasonable fees and costs  
15 pending appeal.

16 2 Effective Date. This act shall take effect January 1, 2010.

**Section 3 Header**

**- Page 2 -**

LBAO  
09-0655  
12/22/08

**HB 216 - FISCAL NOTE**

AN ACT                    relative to fees for legal services rendered to workers' compensation claimants.

**FISCAL IMPACT:**

The Department of Labor states this bill would increase state, county, and local expenditures by an indeterminable amount in FY 2009 and each year thereafter. This bill will have no impact on state, county, and local revenues.

**METHODOLOGY:**

The Department of Labor states this bill would require employers to pay fees for legal services in workers' compensation cases if the payment for a disputed medical bill is voluntarily made less than 30 days prior to the date of a hearing. The Department of Labor states there would be an impact on state, county, and local governments in their role as employers by increasing the amount of attorney fees owed, but the full impact is indeterminable as the amount would vary depending on the attorney and costs and fees associated with each case.

# Amendments

Rep. S. Kelly, Merr. 7  
February 5, 2009  
2009-0192h  
01/04

Amendment to HB 216-FN

1 Amend RSA 281-A:44, VI as inserted by section 1 of the bill by replacing it with the following:

2

3 VI. No attorney representing a claimant shall contract for, charge for, or collect a fee for  
4 legal service rendered to the claimant at the department level unless the fee has been approved by  
5 the commissioner. In determining the amount of the allowable fee, the commissioner shall consider,  
6 among other things, the nature, length and complexity of the service performed, the usual and  
7 customary charge for work of the like kind and the benefit accruing to the claimant as a result of the  
8 legal service performed; provided, however, that when an insurance carrier, self insurer, or payor  
9 acting on behalf of such carrier or self insurer disputes the causal relationship of a medical bill to the  
10 claimant's injury, or whether a medical bill was required by the nature of the injury, and denies  
11 payment of such bill, is after a hearing, ordered to pay or reimburse the bill by the commissioner *or*  
12 *if the payment is voluntarily made less than 21 days prior to the date of the initially*  
13 *scheduled hearing*, the claimant shall be entitled to reimbursement of reasonable counsel fees and  
14 costs as approved by the commissioner. The claimant shall be entitled to reasonable fees and costs  
15 pending appeal.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 216-FN

**BILL TITLE:** relative to fees for legal services rendered to workers' compensation claimants.

**DATE:** January 29, 2009

**LOB ROOM:** 307      **Time Public Hearing Called to Order:** 10:30 a.m.

**Time Adjourned:** 11:30 a.m.

(please circle if present)

**Committee Members:** Reps. Goley, S. Kelly, Gorman, Hofemann, J. Knowles, M. Knowles, Brenner, Craig, Weed, Rice, Mearns, Infantine, Daniels, Bishop, Bridle, Gleason, Dumaine, H. Richardson, Pellegrino and Sedensky.

**Bill Sponsors:** Rep. Nixon, Hills 17

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Dave Nixon** - Prime sponsor of the bill. Bill is result of conversations with lawyers who work with worker's compensation. It is basically a housekeeping bill to close a loophole in the current law. At this time, insurers can contest payment of after-the-fact medical bills and drop it at the last minute. This bill would require that insurers drop contest and pay at least 30 days before hearing.

**Richard Moquin, Attorney from Manchester** - Supports the bill. Handling workers compensation claimants for free if their cases are contested, but most firms don't. Insurers have recently begun to deny bills for after-the-fact follow-up care for workers compensation injuries. Claimants then need to hire lawyers. More frequently, insurance company drops at the last minute. Lawyers now cost up to \$250.00 per hour. It's harder and harder for claimants to find lawyers.

\* **Peter McArdle, Acadia Insurance** - Opposes the bill. Thinks bill is one-sided, and wants time frame cut to 15 days, prior to hearing. Wants additional protective language that states: Provided insurer has received all necessary documentation. He stated that he sometimes only gets a few weeks notice at a hearing. The question was asked if there is a required length of time for hearing notification, and responded that he didn't know. Labor Department stated it is two weeks. Question was raised about what "proper documentation" is, and who makes the determination. Response was that he is open to language, and just wants a level playing field.

\* **George Roussos, Orr & Reno** - Opposes the bill. Thinks Peter McArdle went a bit too far. He sees it as an attorney's issue about when they will get paid. Law today sees to it that they will be paid, and protects employee. Cited first sentence of law that states fees have to be approved by the Commissioner. Thinks that strikes a balance. Brought up fact that insurer's lawyer may not get documentation until a few days before hearing. Thinks this proposed amendment will be a

disincentive to pay the bill, and to go to hearing. Question arose about what to rely on for documentation, and that lawyers won't delay unnecessarily. Response was that if companies are abusing the current process, they should be punished, but feels that most insurers act in good faith. Question arose about disparity between amendment time frame of 30 days, as opposed to current Labor Department two week time frame. With pre-existing condition, shouldn't insurer have all necessary documentation before they deny the claim? Response was that it could well be that they deny the claim because they don't have all the documentation. Further question was if standard wait for hearing is six weeks, shouldn't that be sufficient time.

\* **Patrick Taylor, NH Association for Justice** - Supports the bill. Representing working men and women. Not trying to milk the insurance companies. Their interest is in making sure the system works for claimants with meritorious claims.

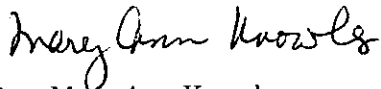
Question: What about time frame?

Response: 15 days is not much time. 30 days seems more reasonable.

Question: Does Labor Commission have a position on bill?

Response from Chair: No.

Respectfully submitted,



Rep. Mary Ann Knowles  
Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 216-FN

**BILL TITLE:** relative to fees for legal services rendered to workers' compensation claimants.

**DATE:** 1/29/09

**LOB ROOM:** 307 **Time Public Hearing Called to Order:** 10:30

**Time Adjourned:** 11:30

(please circle if present)

Committee Members: Reps. Goley, S. Kelly, Gorman, Hofmann, J. Knowles, M. Knowles, Brennan, Craig, Weed, Rice, Mears, Infantino, Daniels, Bishop, Bridle, Gleason, Dumaine, H. Richardson, Pellegrino and Sedensky.

**Bill Sponsors:** Rep. Nixon, Hills 17

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Dave Nixon - sponsor

Bill is result of conversations with lawyers who work with worker's compensation. It is basically a housekeeping bill to close a loophole in the current law. At this time, insurers can contest payment of after-the-fact medical bills and drop it at the last minute. This bill would require that insurers drop contest and pay at least 30 days before hearing.

Richard Moquin - supports bill - Attorney from Manchester, handling workers comp for at least 30 years. His firm is willing to represent claimants for free if their cases are contested, but most firms don't. Insurers have recently begun to deny bills for after-the-fact follow-up care for workers comp injuries. Claimants then need to hire lawyers. More frequently, insurance company requires medical report from a doctor, which is costly. Then insurer drops at the last minute. Lawyers now cost up to \$250.00 per hour. It's harder and harder for claimants to find lawyers.

Fo

\* Peter McArdle - V.P. of Acadia Insurance - opposed

Thinks bill is one-sided, and wants time frame cut to 15 days, prior to hearing. Wants additional protective language that states: provided insurer has received all necessary documentation. He stated that he sometimes only gets a few weeks' notice of a hearing.

The question was asked if there is a required length of time for hearing notification, and responded that he didn't know.

Labor Dept' stated it is 2 weeks.

Question was raised about what "proper documentation" is, and who makes the determination. Response was that he is open to language, and just wants a level playing field.

\* George Roussos - <sup>off & Reno</sup> opposes - lawyer - <sup>representing</sup> American Council of Life Insurers

Thinks Peter McArdle went a bit too far. He sees it as an attorney's issue about when they will get paid. Law today sees to it that they will be paid, and protects employee. Cited first sentence of law that states fees have to be approved by the Commissioner. Thinks that strikes a balance. Brought up fact that insurer's lawyer may not get documentation until a few days before hearing. Thinks this proposed amendment will be a disincentive to pay the bill, and to go to hearing.

Question arose about what to rely on for documentation, and that lawyers won't delay unnecessarily. Response was that if companies are abusing the current process, they should be punished, but feels that most insurers act in good faith.

Question arose about disparity between amendment time frame of 30 days, as opposed to current Labor Dept' 2 week time frame.

## George Roussos contd.

With pre-existing condition, shouldn't insurer have all necessary documentation before they deny the claim? Response was that it could well be that they deny the claim because they don't have all the documentation. Further question was if standard wait for hearing is 6 weeks, shouldn't that be sufficient time.

\*Patrick Taylor - supports - attorney representing - NH Association for Justice

Representing working men and women. Not trying to milk the insurance companies. Their interest is in making sure the system works for claimants with meritorious claims.

Question: What about time frame?

Response: 15 days is not much time. 30 days seems more reasonable.

Question: Does Labor Commission have a position on bill?

Response from Chair: NO.

# Testimony

COPY

Proposed change from  
Peter McArdle, testifying from  
Acadia Insurance.

HB 216

AN ACT relative to fees for legal services rendered to workers' compensation claimants.

*Be it enacted by the Senate and House of Representatives in General Court convened:*

1 Workers' Compensation; Awards of Fees and Interest. Amend RSA 281-A:44. VI to read as follows:

- VI. No Attorney representing a claimant shall contract for, charge for, or collect a fee for legal service rendered to the claimant at the department level unless the fee has been approved by the commissioner. In determining the amount of the allowable fee, the commissioner shall consider, among other things, the nature, length and complexity of the service performed, the usual and customary charge for work of the like kind and benefit accruing to the claimant as a result of the legal service performed; provided, however, that when an insurance carrier, self insurer, or payor acting on behalf of such carrier or self insurer disputes the casual relationship of a medical bill to the claimant's injury, or whether a medical bill was required by the nature of the injury, and denies payment of such bill, is after a hearing, ordered to pay or reimburse the bill by the commissioner ***or if payment is voluntarily made less than 15 days prior to the date of the initially scheduled hearing, provided the insurance carrier, self insurer or payor acting on behalf of such carrier or self insurer has received all necessary supporting medical information to make a proper determination,*** the claimant shall be entitled to reimbursement of reasonable counsel fees and costs as approved by the commissioner. The claimant shall be entitled to reasonable fees and costs pending appeal.

2 Effective Date. This act shall take effect January 1, 2010



copy

**Orr&Reno**  
*Professional Association*

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January 29, 2009

William L. Chapman  
George W. Roussos  
Howard M. Moffett  
James E. Morris  
John A. Malmberg  
Martha Van Oot  
Douglas L. Patch  
James P. Bassett  
Emily Gray Rice  
Steven L. Winer  
Peter F. Burger  
Lisa Snow Wade  
Susan S. Geiger  
Richard Y. Uchida  
Jennifer A. Eber  
Jeffrey C. Spear  
Connie Boyles Lane  
Judith A. Fairclough  
Todd C. Fahey  
Vera B. Buck  
James F. Laboe  
Robert S. Carey  
John M. Zaremba  
Courtney Curran Vore  
Justin M. Boothby  
Heidi S. Cole  
Jeremy D. Eggleton  
Rachel A. Goldwasser  
Joshua M. Pantesco

**VIA HAND DELIVERY**

The Honorable Jeffrey P. Goley, Chairman  
House Labor, Industrial & Rehabilitative Services  
Legislative Office Building, Room 307  
Concord, New Hampshire 03301

Re: **Testimony in Opposition to HB 216**

Dear Representative Goley:

On behalf of the American Insurance Association ("AIA"), I am writing to express concern with this proposal. AIA is a trade organization composed of about 350 insurance companies that write property and casualty insurance business, including workers' compensation, in New Hampshire and nationally. We believe this legislation will discourage settlement of disputes, which is not good for claimants or employers.

HB 216 would require an award of attorneys' fees whenever a medical bill is paid less than 30 days "prior to the date of the initially scheduled hearing". The bill will add costs by increasing attorney involvement and working as a disincentive for employers to settle claims, since attorneys' fees would be mandated even if the claim was settled. The current system encourages employers to settle claims and thereby avoid having to pay the claimant's attorney.

Two other obvious problems with this bill are that the bill would penalize the employer even if the medical bill was not received in time to review it and make a decision within 30 days prior to a hearing, and when a hearing is rescheduled for any reason, including request of the claimant.

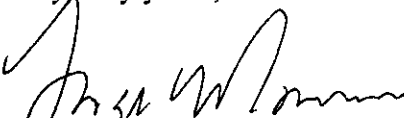
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Maureen D. Smith  
(Of Counsel)

The Honorable Jeffrey P. Goley, Chairman  
January 29, 2009  
Page 2

For these reasons, we believe this bill would increase costs with minimal benefit, and we urge the Committee to recommend it as inexpedient to legislate.

Very truly yours,



George W. Roussos

GWR/dlc

cc: Hon. Sally H. Kelly  
Hon. Mary J. Gorman  
Hon. Roland P. Hofemann  
Hon. John Knowles  
Hon. Mary Ann Knowles  
Hon. William P. Brennan  
Hon. James W. Craig  
Hon. Charles F. Weed  
Hon. Chip L. Rice  
Hon. Lucy E. Mears  
Hon. William J. Infantine  
Hon. Gary L. Daniels  
Hon. Franklin C. Bishop  
Hon. Russell D. Bridle  
Hon. John Gleason  
Hon. Dudley D. Dumaine  
Hon. Herbert D. Richardson  
Hon. Tony J. Pellegrino  
Hon. John B. Sedensky

533132\_1

Submitted by  
Patrick Taylor

Copy

# DL&G DOUGLAS, LEONARD & GARVEY, P.C.

CHARLES G. DOUGLAS III\*  
C. KEVIN LEONARD  
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\* ALSO ADMITTED IN MA  
\*\* ALSO ADMITTED IN ME

January 29, 2009

To Whom It May Concern:

As a workers' compensation practitioner who has represented injured employees for over eleven years, I wanted to share my thoughts on HB 216. I wish I were able to testify, but I have a previously scheduled hearing in Carroll County Superior Court today.

HB 216 is not a grab for attorneys' fees. Its purpose is to protect injured employees and prevent strategic and dilatory behavior by carriers. In my practice, such strategic and dilatory behavior has occurred multiple times in the case of one of my clients, Deborah Mitchell, depriving her of treatment and medication that she needs.

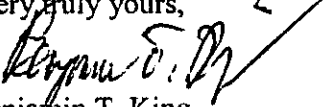
On multiple occasions, Deb's treating providers have submitted bills to the carrier, which the carrier has proceeded to deny or, worse yet, ignore without accepting or denying. This conduct has in turn forced me to petition the Department of Labor for a hearing. In the meantime, Deb sometimes has been unable to receive treatment that she needs because her unpaid medical bills have grown excessive.

The DOL then schedules a hearing for six weeks in the future, during which time Deb waits and often goes without treatment and medication she should be receiving. Then, inevitably, days before the hearing is to occur, I receive a letter from carrier's counsel telling me that the carrier has suddenly decided to pay all the outstanding medical bills. Under current law, the carrier need pay no attorneys' fees, and is therefore subject to no penalty, as a result of its abusive conduct.

If HB 216 passes, injured employees will be protected against such strategic and dilatory conduct by carriers. The risk of having to pay attorneys' fees will compel the carriers to fulfill their obligations in a more timely manner, such that injured employees will not find themselves in the plight Deb has found herself time and time again.

The workers' compensation bar will be pleased if attorneys never collect fees under this section, which will happen if the law has its desired effect – compelling carriers to pay medical bills in a timely fashion rather than waiting until the eve of a hearing, and by waiting, prejudicing injured employees by denying them reasonable and necessary medical treatment.

Very truly yours,

  
Benjamin T. King



McLane, Graf,  
Raulerson & Middleton  
Professional Association

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Licensed in NH and MA

February 6, 2009

Representative Jeffrey Goley  
House Labor, Industrial and  
Rehabilitative Services Committee  
1683 River Rd.  
Manchester, NH 03104

Representative Goley,

I am an attorney practicing in the State of New Hampshire and I write on behalf of the New Hampshire Association for Justice ("NHAJ") in support of House Bill 216. Following the January 29, 2009 hearing on this Bill before the Committee on Labor, Industrial and Rehabilitative Services, the NHAJ wishes to add two points of clarification.

The Bill, in its current form, allows a Workers' Compensation plaintiff to seek reasonable counsel fees and costs if a carrier disputes or denies payment of a medical bill but voluntarily pays the bill less than thirty (30) days before the initially scheduled hearing. Having heard and considered the testimony offered to the Committee regarding HB 216, the NHAJ supports an amendment to the Bill that would allow the recovery of counsel fees and costs if a carrier waits to voluntarily pay a medical bill less than fifteen (15) days prior to the initial hearing.

The NHAJ would also like to clarify that any fees or costs sought by a claimant must be approved by the Commissioner of the Department of Labor prior to recovery. The recovery of fees under HB 216 is not automatic, and carriers that dispute or delay payment of a medical bill may still challenge the propriety of a claimant's fees and costs.

Very truly yours,

Patrick H. Taylor, Esq.

# Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 216-FN

**BILL TITLE:** relative to fees for legal services rendered to workers' compensation claimants.

**DATE:** February 11, 2009

**LOB ROOM:** 307

**Amendments:**

Sponsor: Rep. S. Kelly OLS Document #: 2009 0192h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, YTL, Interim Study (Please circle one.)

Moved by Rep. Kelly

Seconded by Rep. Richardson

Vote: 19-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, YTL, Interim Study (Please circle one.)

Moved by Rep. Kelly

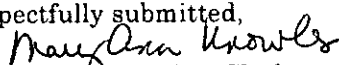
Seconded by Rep. Richardson

Vote: 19-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 19-0 - YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
  
Rep. Mary Ann Knowles, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 216-FN

**BILL TITLE:** relative to fees for legal services rendered to workers' compensation claimants.

**DATE:** 2/11/09

**LOB ROOM:** 307

**Amendments:**

Sponsor: Rep. Kelly OLS Document #: 2009-0192 h  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

**Motions:** OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Kelly  
Seconded by Rep. Richardson  
Vote: (Please attach record of roll call vote.) 19-0

**Motions:** OTP, OTP/A ITL, Interim Study (Please circle one.)

Moved by Rep. Kelly  
Seconded by Rep. Richardson  
Vote: (Please attach record of roll call vote.) 19-0

CONSENT CALENDAR VOTE: 19-0

(Vote to place on Consent Calendar must be unanimous.) 19-0

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,  
*Mary Ann Knowles*  
Rep. Mary Ann Knowles, Clerk

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

Bill #: HB 216-FN Title: relative to fees for legal services to workers' compensation claimants

PH Date: 1/29/09

Exec Session Date: 2/11/09

Motion: OTP

Amendment #: 2009-0192h

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman	✓	
Kelly, Sally H, V Chairman	✓	
Gorman, Mary J	✓	
Hofemann, Roland P	✓	
Knowles, John	✓	
Knowles, Mary Ann, Clerk	✓	
Brennan, William P	absent	
Craig, James W	✓	
Weed, Charles F	✓	
Rice, Chip L	✓	
Mears, Lucy E	✓	
Infantine, William J	✓	
Daniels, Gary L	✓	
Bishop, Franklin C	✓	
Bridle, Russell D	✓	
Gleason, John P	✓	
Dumaine, Dudley D	✓	
Richardson, Herbert D	✓	
Pellegrino, Tony J	✓	
Sedensky, John B	✓	
	19	0

TOTAL VOTE: 19-0  
 Printed: 1/12/2009



LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Bill #: HB 216-FN Title: relative to fees for legal services rendered to workers' compensation claimants

PH Date: 1 / 29 / 09

Exec Session Date: 2 / 11 / 09

Motion: OT P/A

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman	✓	
Kelly, Sally H, V Chairman	✓	
Gorman, Mary J	✓	
Hofemann, Roland P	✓	
Knowles, John	✓	
Knowles, Mary Ann, Clerk	✓	
Brennan, William P	absent	
Craig, James W	✓	
Weed, Charles F	✓	
Rice, Chip L	✓	
Mears, Lucy E	✓	
Infantine, William J	✓	
Daniels, Gary L	✓	
Bishop, Franklin C	✓	
Bridle, Russell D	✓	
Gleason, John P	✓	
Dumaine, Dudley D	✓	
Richardson, Herbert D	✓	
Pellegrino, Tony J	✓	
Sedensky, John B	✓	
	-19	0

TOTAL VOTE: 19-0  
 Printed: 1/12/2009

# Committee Report

**CONSENT CALENDAR**

**February 12, 2009**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on LABOR, INDUSTRIAL AND  
REHABILITATIVE SERVICES to which was referred  
HB216-FN,**

**AN ACT relative to fees for legal services rendered to  
workers' compensation claimants. Having considered  
the same, report the same with the following  
amendment, and the recommendation that the bill  
OUGHT TO PASS WITH AMENDMENT.**

**Rep. Sally H Kelly**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES</b>
Bill Number:	<b>HB216-FN</b>
Title:	<b>relative to fees for legal services rendered to workers' compensation claimants.</b>
Date:	<b>February 12, 2009</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

This bill amends RSA 281A:44 VI by adding a specific time frame when the insurer can make an offer to settle a workers compensation claim prior to a hearing. The committee agreed by a unanimous vote that the insurance company may settle a minimum of 21 days before the scheduled hearing without any penalty.

Vote 19-0.

Rep. Sally H Kelly  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**HB216-FN**, relative to fees for legal services rendered to workers' compensation claimants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sally H Kelly for LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES. This bill amends RSA 281A:44 VI by adding a specific time frame when the insurer can make an offer to settle a workers compensation claim prior to a hearing. The committee agreed by a unanimous vote that the insurance company may settle a minimum of 21 days before the scheduled hearing without any penalty. **Vote 19-0.**

Original: House Clerk  
Cc: Committee Bill File

# COMMITTEE REPORT

COMMITTEE: Labor

BILL NUMBER: HB 216

TITLE: relative to fees for legal services rendered to workers' compensation claimants

DATE: 2/11/09 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- RE-REFER
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
2009-0192H

## STATEMENT OF INTENT:

This bill amends RSA 281A:44 ~~II~~ by adding a specific time <sup>frame</sup> when the insurer can make an offer to settle a workers compensation claim prior to a hearing. The committee agreed by a unanimous vote that the insurance company may settle a minimum of 21 days before the scheduled hearing without any penalty.

COMMITTEE VOTE: 19-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Sally Kelly  
For the Committee

HB 216

This bill amends RSA 281A:44 VI by adding a specific time frame when the insurer can make an offer to settle a workers compensation claim prior to a hearing. The committee agreed by a unanimous vote that the insurance company may settle a minimum of 21 days before the scheduled hearing without any penalty.

Sally Kelly