



Talking Points – HB 631

1. Respecting the Privacy of Injured Workers

Imagine the emergency department at UMMC being required to release the names and addresses of every patient that checks in to the ER. That is what is currently happening to injured workers whose information is being filed at the MS Workers' Compensation Commission. As a result, injured workers all over our state are being harassed by solicitors wanting to benefit financially from their injury. HB 631 will stop this practice – and restore confidentiality to the injured worker. The MWCC is currently REQUIRED to release the names of injured workers. These records should only be released to those parties that demonstrate an involved interest to the commission, ie the injured worker (claimant), the claimant's attorney, the employer, or the carrier.

2. Protecting Injured Workers' From Future Medical Expenses

If an injured worker gets seriously hurt, and a Medical Set Aside is established for their future care, exorbitant legal fees can significantly reduce these funds, making it difficult for the claimant to afford proper care later in life. HB 631 stops this practice. It does NOT prevent attorney fees on all future meds, but only on those that have been determined by a third party and designated specifically for the future medical needs of the claimant. (This is currently being done by MWCC rule, but passage of HB 631 will put the rule into the Act.

3. Other Provisions

Notification to Unrepresented Claimants

HB 631 provides an important protection for the injured worker who may need legal representation and is not represented. It will require that an employer or carrier notify unrepresented claimants (pro se) 30 days before the statute of limitations may bar benefits.

Timely Filing of Medical Records

HB 631 will also assist in speeding up the process of determining a claimant's right to benefits. It will encourage more timely filing of medical records by stating that a claimant's failure to provide timely medical records MAY result in dismissal of the claim. The claimant has 60 days from filing the petition to controvert.