

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 363

Introduced by Nordquist, 7.

Read first time January 15, 2015

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-125, Revised Statutes Cumulative Supplement, 2014;
- 3 to provide time limits and penalties for late payment of medical
- 4 payments; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-125, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 48-125 (1)(a) Except as hereinafter provided, all amounts of
4 compensation payable under the Nebraska Workers' Compensation Act shall
5 be payable periodically in accordance with the methods of payment of
6 wages of the employee at the time of the injury or death. Such payments
7 shall be sent directly to the person entitled to compensation or his or
8 her designated representative except as otherwise provided in section
9 48-149.

10 (b) Fifty percent shall be added for waiting time for all delinquent
11 payments after thirty days' notice has been given of disability or after
12 thirty days from the entry of a final order, award, or judgment of the
13 Nebraska Workers' Compensation Court, except that for any award or
14 judgment against the state in excess of one hundred thousand dollars
15 which must be reviewed by the Legislature as provided in section
16 48-1,102, fifty percent shall be added for waiting time for delinquent
17 payments thirty days after the effective date of the legislative bill
18 appropriating any funds necessary to pay the portion of the award or
19 judgment in excess of one hundred thousand dollars.

20 (2) All medical payments payable under the Nebraska Workers'
21 Compensation Act shall be payable within thirty days after notice has
22 been given or within thirty days after the entry of a final order, award,
23 or judgment of the compensation court. If a medical payment is delinquent
24 by thirty days or more, fifty percent shall be added to the amount
25 payable and shall be paid to the employee.

26 (3 2)(a) Whenever the employer refuses payment of compensation or
27 medical payments subject to section 48-120, or when the employer neglects
28 to pay compensation for thirty days after injury or neglects to pay
29 medical payments subject to such section after thirty days' notice has
30 been given of the obligation for medical payments, and proceedings are
31 held before the compensation court, a reasonable attorney's fee shall be

1 allowed the employee by the compensation court in all cases when the
2 employee receives an award. Attorney's fees allowed shall not be deducted
3 from the amounts ordered to be paid for medical services nor shall
4 attorney's fees be charged to the medical providers.

5 (b) If the employer files an appeal from an award of a judge of the
6 compensation court and fails to obtain any reduction in the amount of
7 such award, the Court of Appeals or Supreme Court shall allow the
8 employee a reasonable attorney's fee to be taxed as costs against the
9 employer for such appeal.

10 (c) If the employee files an appeal from an order of a judge of the
11 compensation court denying an award and obtains an award or if the
12 employee files an appeal from an award of a judge of the compensation
13 court when the amount of compensation due is disputed and obtains an
14 increase in the amount of such award, the Court of Appeals or Supreme
15 Court may allow the employee a reasonable attorney's fee to be taxed as
16 costs against the employer for such appeal.

17 (d) A reasonable attorney's fee allowed pursuant to this subsection
18 shall not affect or diminish the amount of the award.

19 (4 3) When an attorney's fee is allowed pursuant to this section,
20 there shall further be assessed against the employer an amount of
21 interest on the final award obtained, computed from the date compensation
22 was payable, as provided in section 48-119, until the date payment is
23 made by the employer, at a rate equal to the rate of interest allowed per
24 annum under section 45-104.01, as such rate may from time to time be
25 adjusted by the Legislature. Interest shall apply only to those weekly
26 compensation benefits awarded which have accrued as of the date payment
27 is made by the employer. If the employer pays or tenders payment of
28 compensation, the amount of compensation due is disputed, and the award
29 obtained is greater than the amount paid or tendered by the employer, the
30 assessment of interest shall be determined solely upon the difference
31 between the amount awarded and the amount tendered or paid.

1 Sec. 2. Original section 48-125, Revised Statutes Cumulative
2 Supplement, 2014, is repealed.