

OTHER SUBSTANTIVE ISSUES

The Workers' Compensation Advisory Council has had a process in place for several years for the review of proposed legislation affecting the workers' compensation system, pursuant to its statutory mandate. The prior council had a series of public meetings during the summer of 2002 where legislative proposals for this session were discussed. At the council's request, proposals involving changes to workers' compensation benefits were analyzed for their costs by the Workers' Compensation Administration research staff, the National Council on Compensation Insurance and New Mexico Mutual Casualty Company. This proposal has never been submitted to or reviewed by either the former or current Workers' Compensation Advisory Council. It is the position of the current Workers' Compensation Advisory Council that, at the present time, it opposes this bill.

NMSHTD indicates House Bill 505 will encourage employees to seek attorneys and increase the length and cost associated with the workers' compensation claims management. NMSHTD also notes that, by removing the schedule, this increases the opportunity to take employers to workers' compensation court. NMSHTD also notes that removing this provision would place increased restrictions on returning injured employees to a productive work status and make returning a subjective matter. Finally, the department indicates this bill will reestablish an adversarial system between employers and employees, as in tort cases, instead of the system working for the employee's welfare.

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