

CHAPTER 229

Original Senate File No. 28

WORKER'S COMPENSATION — CASE FINALITY

AN ACT to amend W.S. 27-14-503(a) and (b) and 27-14-605 relating to worker's compensation; clarifying time limitations imposed upon application for modification of benefits under worker's compensation; providing for application with the worker's compensation division; specifically terminating cases and barring the right to further compensation for claims not filed within the prescribed time period; providing exceptions as specified; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 27-14-503(a) and (b) and 27-14-605 are amended to read:

27-14-503. Statute of limitations; transfer of claim.

(a) A payment for benefits involving an injury which is the result of a single brief occurrence rather than occurring over a substantial period of time shall not be made unless in addition to the proper and timely filing of the reports of the accident, an application or claim for benefits is filed within one (1) year after the date the accident occurred or for injuries not readily apparent, within one (1) year after discovery of the injury by the employee. The report of accident is not a claim for benefits. Except as provided by W.S. 27-14-605(c), if a claim for additional benefits or a modification of previously paid benefits is not filed with the division within four (4) years from the date of the last payment in accordance with W.S. 27-14-605(a), the right to further medical and disability benefits under this act for that injury shall be barred.

(b) The right of compensation for an injury which occurs over a substantial period of time is barred unless a claim for benefits is filed within one (1) year after a diagnosis of injury is first communicated to the employee, or within three (3) years from the date of last injurious exposure to the condition causing the injury, whichever occurs last, excluding injury caused by ionizing radiation to which the three (3) year limitation does not apply. If death results from ionizing radiation within either of these periods, a claim shall be filed within one (1) year after the date of discovery. Except as provided by W.S. 27-14-605(c), any claim for additional benefits or a modification of previously paid benefits for an injury under this subsection is subject to the filing limitations imposed under W.S. 27-14-605(a) and the right to further medical and disability benefits for that injury shall be barred unless the claim is filed in accordance with W.S. 27-14-605(a).

27-14-605. Application for modification of benefits; time limitation; grounds; termination of case; exceptions.

(a) If a determination is made in favor of or on behalf of an employee for any benefits under this act, an application may be made to the division by any party within four (4) years from the date of the last payment for additional medical and disability benefits or for a modification of the amount of benefits on the ground of increase or decrease of incapacity due solely to the injury, or upon grounds of mistake or fraud.

(b) Any right to benefits shall be terminated and is no longer under the jurisdiction of this act if a claim for any medical or disability benefit is not filed with the division within the four (4) year limitation prescribed under subsection (a) of this section.

(c) A claim for medical benefits which would otherwise be terminated under subsection (b) of this section and barred under W.S. 27-14-503(a) and (b) may be paid by the division if the claimant:

(i) Submits medical reports to the division substantiating his claim;

(ii) Proves by competent medical authority and to a reasonable degree of medical certainty that the condition is directly related to the original injury; and

(iii) Submits to an examination by a health care provider selected by the division and results of the examination validate his claim.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 7, 1989.