



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

William Hamilton, President & Eastern PA Legislative Coordinator – Joseph Molinero, Sec.-Treasurer & Western PA Legislative Coordinator – Tim O'Neill, Consultant – Dan Grace, Trustee & Legislative Advisor – Robert Baptiste, Esq. Legal Advisor

LEGISLATIVE ACTION ALERT

PA WORKERS' COMP ISSUES

Pa. Supreme Court Declares Impairment Rating Provisions of the Workers' Comp Act Unconstitutional; Attorney Dan Siegel Authored Amicus Brief

Posted by [Daniel J. Siegel, Esq.](#) on [June 20, 2017](#) in [Appellate Decisions](#), [Pennsylvania Case Law](#), [Workers' Compensation](#), [Writing Services for Attorneys](#)

The Pennsylvania Supreme Court today declared as unconstitutional the impairment rating evaluation (IRE) provision in Section 306(a.2) of the Workers' Compensation Act. The decision in *Protz v. WCAB (Derry Area School District)* means that injured workers will no longer be subject to a cap on the length of wage loss benefits they received. Attorney Dan Siegel of the Law Offices of Daniel J. Siegel, LLC authored the friend of the court brief on behalf of the Pennsylvania Association for Justice (formerly the Pennsylvania Trial Lawyers Association).

In the 6-1 majority opinion authored by Justice Wecht, the Court concluded that the Pennsylvania legislature violated the state Constitution when it passed this provision because it (1) gave "unfettered discretion over Pennsylvania's impairment-rating methodology" to the American Medical Association, and (2) "did not include in ... any of the procedural mechanisms that this Court has considered essential to protect against 'administrative arbitrariness and caprice.'" Chief Justice Saylor authored a concurring opinion. Justice Baer filed a dissenting opinion. Pittsburgh attorney Tom Baumann represented claimant.

PA HOUSE BILL 18 AND THE PA AFL-CIO'S OPPOSITION TO IT

(Harrisburg, PA –PA AFL-CIO ©) House Bill 18 is sponsored by Representative Ryan Mackenzie (R-134) and institutes a drug "formulary" for injured workers in the workers' compensation system. This means that injured workers would only have access to a limited set of prescription medications and treatments when receiving workers' compensation.

The Pennsylvania AFL-CIO opposes House Bill 18 because it limits injured workers' right to healthcare and treatment. Workers compensation laws guarantee that if you are hurt on the job, you will receive payment for lost wages and medical expenses. Already Pennsylvania workers receiving workers' compensation

need to see a healthcare professional of their employer's insurance company's approval for 90 days before they can choose treatment by their own doctor. Under House Bill 18, even after the initial 90 days, injured workers would only be allowed to receive pre-approved treatments from the drug formulary. This would prevent doctors from making decisions based on the best interest of their patients and tie them to an unaccountable drug "formulary". House Bill 18 is an unnecessary government intrusion into the relationship between patients and their doctor.....This bill would limit the entire range of medications available to injured workers solely because they were injured on the job. See full article at: <http://www.paafcio.org/>