

WORKERS' COMPENSATION LAW SECTION
Respectfully submits the following position on:

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H.R. 2649

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The Workers' Compensation Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Workers' Compensation Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Workers' Compensation Law Section is 700.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 13. The number who voted in favor of the positions is 9. The number who voted opposed the positions is 0.

Report on Public Policy Position

Name of section:

Workers' Compensation Law Section

Contact person:

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Bill Number:

[H.R. 2649: Medicare Secondary Payer and Workers' Compensation Settlement Agreements Act of 2015](#)

Date position was adopted:

September 11, 2015

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

13

Number who voted in favor and opposed to the position:

9 Voted for position

0 Voted against position

0 Abstained from vote

4 Did not vote (absent)

Position:

Support

Explanation of the position, including any recommended amendments:

The WC Law Section previously notified the SBM of its support for the identical bill in the Senate -- S. 1514. As chair of the section, I wrote letters to Senators Stabenow and Peters and included the Keller cover letter indicating the SBM has taken no position on the legislation. During our September 11th meeting, the council voted in favor of supporting the House version of the bill -- H.R. 2649 and having me as chair write a letter of support to Representative Sander Levin.

The council supports this legislation because it will provide clear and consistent standards for CMS administrative process relating to Medicare set-asides in workers' compensation cases. Currently, CMS takes too long to review proposed set-asides, fails to provide appropriate and consistent standards for determining amounts to be set-aside, and provides no avenue to appeal CMS determinations.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<https://www.govtrack.us/congress/bills/114/hr2649/text>