

AMENDMENTS TO HOUSE BILL NO. 1837

Sponsor: SENATOR BARTOLOTTA

Printer's No. 2203

1 Amend Bill, page 1, line 7, by inserting after "for"
2 modifications, reinstatements, suspensions and terminations and
3 for

4 Amend Bill, page 1, lines 10 through 12, by striking out all
5 of said lines and inserting

6 Section 1. Sections 413(c) and (d) and 449(c) of the act of
7 June 2, 1915 (P.L.736, No.338), known as the Workers'
8 Compensation Act, are amended to read:

9 Section 413. * * *

10 (c) Notwithstanding any provision of this act, an insurer
11 may suspend the compensation during the time the employe has
12 returned to work at his prior or increased earnings upon written
13 notification of suspension by the insurer to the employe and the
14 department, on a form prescribed by the department for this
15 purpose. The notification of suspension shall include [an
16 affidavit] a verification by the insurer that compensation has
17 been suspended because the employe has returned to work at prior
18 or increased earnings. The insurer must mail the notification of
19 suspension to the employe and the department within seven days
20 of the insurer suspending compensation.

21 (1) If the employe contests the averments of the insurer's
22 [affidavit] verification, a special supersedeas hearing before a
23 workers' compensation judge may be requested by the employe
24 indicating by a checkoff on the notification form that the
25 suspension of benefits is being challenged and filing the
26 notification of challenge with the department within twenty days
27 of receipt of the notification of suspension from the insurer.
28 The special supersedeas hearing shall be held within twenty-one
29 days of the employe's filing of the notification of challenge.

30 (2) If the employe does not challenge the insurer's
31 notification of suspension within twenty days under paragraph
32 (1), the employe shall be deemed to have admitted to the return
33 to work and receipt of wages at prior or increased earnings. The
34 insurer's notification of suspension shall be deemed to have the
35 same binding effect as a fully executed supplemental agreement
36 for the suspension of benefits.

37 (d) Notwithstanding any provision of this act, an insurer

1 may modify the compensation payments made during the time the
2 employe has returned to work at earnings less than the employe
3 earned at the time of the work-related injury, upon written
4 notification of modification by the insurer to the employe and
5 the department, on a form prescribed by the department for this
6 purpose. The notification of modification shall include [an
7 affidavit] a verification by the insurer that compensation has
8 been modified because the employe has returned to work at lesser
9 earnings. The insurer must mail the notification of modification
10 to the employe and the department within seven days of the
11 insurer's modifying compensation.

12 (1) If the employe contests the averments of the insurer's
13 [affidavit] verification, a special supersedeas hearing before a
14 workers' compensation judge may be requested by the employe
15 indicating by a checkoff on the notification form that the
16 modification of benefits is being challenged and filing the
17 notification of challenge with the department within twenty days
18 of receipt of the notification of modification from the insurer.
19 The special supersedeas hearing shall be held within twenty-one
20 days of the employe's filing of the notification of challenge.

21 (2) If the employe does not challenge the insurer's
22 notification of modification within twenty days under paragraph
23 (1), the employe shall be deemed to have admitted to the return
24 to work and receipt of wages at lesser earnings as alleged by
25 the insurer. The insurer's notification of modification shall be
26 deemed to have the same binding effect as a fully executed
27 supplemental agreement for the modification of benefits.