



# HOUSE OF REPRESENTATIVES

HB 2240

workers' compensation; modifications  
Prime Sponsor: Representative Fann, LD 1

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**DPA** Committee on Insurance  
**DPA** Caucus and COW  
**X** As Transmitted to the Governor

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## OVERVIEW

HB 2240 authorizes the change of an administrative law judge as a matter of right and prescribes the rate of interest on the payment of benefits.

## PROVISIONS

### *Administrative Law Judge Change*

1. Entitles any interested party regarding a hearing for a worker's compensation claim to one administrative law judge change as a matter of right by filing a notice of change.
2. Specifies the notice of change must:
  - a. Be signed by the interested party or the party's authorized agent.
  - b. State the name of the administrative law judge to be changed.
  - c. Certify that the interested party has timely filed the notice of change.
    - i. The notice is timely if filed not more than 30 days after the date of the notice of hearing or not more than 30 days after the new administrative law judge is assigned to the claim if another interested party has filed a notice of change as a matter of right.
  - d. Certify that the interested party has not previously been granted a change for the claim.
3. Clarifies any interested party may file an affidavit that sets forth any of the grounds for an administrative law judge change for cause against a presiding administrative law judge.
4. States an affidavit for an administrative law judge change must be filed with the same time frames as a notice of change.
5. Asserts the employer and the employer's insurance carrier are considered a single party unless the employer's and the employer's insurance company's interest are in conflict.

### *Payment of Interest on Awards*

6. Requires interest on the payment of benefits be paid at 10% or at the rate that is equal to 1% plus the prime rate as published by the Board of Governors of the Federal Reserve System, whichever is less.
7. Outlines the instances for when the interest is paid.

### *Miscellaneous*

8. Specifies only unemployment benefits received during the period of temporary partial disability are considered wages able to be earned.

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9. Includes translation services as a medical, surgical and hospital benefit and provides parameters for selecting a translator.
10. Requires the Industrial Commission of Arizona to research and submit recommendations on ways to allow for investigations into the act or practice of workers' compensation fraud impacting self-insured employers by December 31, 2016.
11. Makes technical and conforming changes.

### **CURRENT LAW**

Pursuant to A.R.S. § 23-941, any interested party to a hearing regarding a worker's compensation claim may file an affidavit for change of administrative law judge against any hearing officer of the commission hearing such matter setting forth any of the grounds for the change. An administrative law judge must immediately transfer the matter to another officer of the commission. Statute limits one change to one party.

The grounds which may be alleged for an administrative law judge change are:

1. The judge has been engaged as counsel in the hearing prior to appointment.
2. The judge is otherwise interested in the hearing.
3. The judge is of kin or otherwise related to a party to the hearing.
4. The judge is a material witness in the hearing.
5. The party filing the affidavit has cause to believe that on account of the bias, prejudice, or interest of the judge a fair and impartial hearing cannot be obtained.