

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2617

AN ACT

AMENDING TITLE 23, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-941.01; RELATING TO WORKERS' COMPENSATION CLAIMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 6, article 3, Arizona Revised Statutes,
3 is amended by adding section 23-941.01, to read:

4 23-941.01. Settlement of claims; definition

5 A. THE PARTIES TO A CLAIM MAY SETTLE ALL OR ANY PART OF THE CLAIM FOR
6 COMPENSATION, BENEFITS, PENALTIES OR INTEREST. THE PARTIES MAY AGREE TO A
7 FULL AND FINAL SETTLEMENT OF THE ENTIRE CLAIM IF A DISPUTE EXISTS ON ANY PART
8 OF THE CLAIM. IF APPROVED, A FULL AND FINAL SETTLEMENT OF THE CLAIM IS NOT
9 SUBJECT TO REOPENING OR REARRANGEMENT OTHER THAN ON THE GROUND OF FRAUD OR
10 MUTUAL MISTAKE OF A MATERIAL FACT, WHICH SHALL BE PROVED BY CLEAR AND
11 CONVINCING EVIDENCE.

12 B. ANY SETTLEMENT AGREEMENT UNDER THIS SECTION IS NOT VALID AND
13 ENFORCEABLE UNTIL THE SETTLEMENT AGREEMENT IS APPROVED BY THE COMMISSION.

14 C. FOR THE PURPOSES OF THIS SECTION, "FULL AND FINAL SETTLEMENT" MEANS
15 A SETTLEMENT IN WHICH THE INJURED WORKER WAIVES ANY FUTURE ENTITLEMENT TO
16 BENEFITS ON THE CLAIM AND WAIVES ANY FUTURE RIGHT TO REOPEN OR REARRANGE THE
17 CLAIM PURSUANT TO SECTION 23-1061, SUBSECTION H.

18 D. THE PARTIES MAY ENTER INTO FULL AND FINAL SETTLEMENT AND RELEASE OF
19 A CLAIM FOR UNDISPUTED ENTITLEMENT TO MEDICAL MAINTENANCE BENEFITS AFTER THE
20 PERIOD OF TEMPORARY DISABILITY IS TERMINATED BY A FINAL NOTICE OF CLAIM
21 STATUS OR AWARD OF THE COMMISSION. THE CARRIER OR EMPLOYER SHALL SUBMIT A
22 SUMMARY OF ALL REASONABLY ANTICIPATED FUTURE MEDICAL, SURGICAL AND HOSPITAL
23 BENEFITS RELATED TO THE CLAIM AND THE PROJECTED COST OF THE BENEFITS FOR
24 REVIEW BY THE EMPLOYEE. ALL MEDICAL CONDITIONS SUBJECT TO THE AGREEMENT MUST
25 BE DESCRIBED IN THE AGREEMENT. THE FULL AND FINAL SETTLEMENT PROVISIONS
26 DEFINED IN SUBSECTION A SHALL ONLY APPLY TO FUTURE SUPPORTIVE CARE FOR THE
27 DESCRIBED CONDITION.

28 E. THE EMPLOYER OR CARRIER SHALL PROVIDE THE ATTENDING PHYSICIAN WITH
29 NOTICE OF THE APPROVAL OF A FULL AND FINAL SETTLEMENT AGREEMENT IF THE
30 AGREEMENT TERMINATES THE EMPLOYEE'S ENTITLEMENT TO CONTINUING MEDICAL,
31 HOSPITAL AND SURGICAL BENEFITS. UNLESS MEDICAL, SURGICAL AND HOSPITAL
32 TREATMENT RENDERED PRIOR TO THE DATE OF THE FULL AND FINAL SETTLEMENT IS
33 SUBJECT TO A DISPUTE OR PAYMENT FOR THE TREATMENT WAS INCLUDED IN THE FULL
34 AND FINAL SETTLEMENT AGREEMENT, THE EMPLOYER OR CARRIER SHALL REMAIN
35 RESPONSIBLE FOR PAYMENT FOR THE TREATMENT NOT COVERED BY THE FULL AND FINAL
36 SETTLEMENT AGREEMENT AS PROVIDED BY THIS CHAPTER.