

SB1 INTRODUCED



1 SB1
2 WQG35E5-1
3 By Senator Givhan
4 RFD: Finance and Taxation Education
5 First Read: 04-Feb-25
6 PFD: 21-May-24



1
2
3

4 SYNOPSIS:

5 Under existing law, public education employees
6 who are injured on the job must pay out-of-pocket
7 expenses and seek reimbursement from the Board of
8 Adjustment for any on-the-job injury.

9 This bill would provide compensation benefits
10 to full-time public education employees who are
11 injured on the job.

12

13

14 A BILL
15 TO BE ENTITLED
16 AN ACT

17

18 Relating to public education; to amend Section
19 16-1-18.1, Code of Alabama 1975; and to add Chapter 1A to
20 Title 16 of the Code of Alabama 1975, creating the Public
21 Education Employee Injury Compensation Program, the Public
22 Education Employee Injury Compensation Trust Fund, and the
23 Public Education Employee Injury Compensation Board; and to
24 provide compensation to full-time public education employees
25 who are injured on the job.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

27 Section 1. Section 16-1-18.1, Code of Alabama 1975, is
28 amended to read as follows:

SB1 INTRODUCED



29 "§16-1-18.1

30 (a) Definitions. When used in this section, the
31 following terms have the following meanings:

32 (1) EMPLOYEE. Any individual employed ~~full~~full-time as
33 provided by law by those employers enumerated in this section~~+~~
34 and adult bus drivers.

35 (2) EMPLOYER. All public city and county boards of
36 education; the Board of Trustees of the Alabama Institute for
37 the Deaf and Blind; the Alabama Youth Services Department
38 District Board in its capacity as the Board of Education for
39 the Youth Services Department District; the Board of Directors
40 of the Alabama School of Fine Arts; the Board of Trustees of
41 the Alabama High School of Mathematics and Science; the Board
42 of Trustees of the Alabama School of Cyber Technology and
43 Engineering; for purposes of subsection (c) only, the Alabama
44 State Senate, the Lieutenant Governor, the Office of the
45 Senate President Pro Tempore, the Speaker of the House of
46 Representatives, the Alabama House of Representatives, the
47 Legislative Services Agency; any organization participating in
48 the Teachers' Retirement System, excluding any state
49 governmental department not listed herein; the Board of
50 Trustees of the Alabama Community College System; and for the
51 purposes of subsection (c) only, ~~all~~or any four-year public
52 ~~institutions~~institution of higher learning.

53 (3) EXECUTIVE OFFICER. The superintendent of any public
54 county school system or any public city school system; the
55 President of the Alabama Institute for the Deaf and Blind; the
56 president of any two-year school or college under the auspices

SB1 INTRODUCED



57 of the Board of Trustees of the Alabama Community College
58 System; the Superintendent of the Department of Youth Services
59 School District; the Executive Director of the Alabama School
60 of Fine Arts; the Executive Director of the Alabama High
61 School of Mathematics and Science; the President of the
62 Alabama School of Cyber Technology and Engineering; the
63 Secretary of the Senate; the Clerk of the House of
64 Representatives; the Lieutenant Governor; the Speaker of the
65 House of Representatives; the Director of the Legislative
66 Services Agency; and the chief executive officer of any other
67 employer as provided in this section.

68 (4) ON-THE-JOB INJURY. Any accident or injury to the
69 employee arising out of and in the course of employment or
70 occurring during the performance of duties or when directed or
71 requested by the employer to be on the property of the
72 employer ~~which prevents the employee from working or returning~~
73 ~~to his or her job.~~

74 (5) SICK LEAVE. The absence from duty by an employee as
75 a result of any of the following:

- 76 a. Personal illness or doctor's quarantine.
- 77 b. Incapacitating personal injury.
- 78 c. Attendance upon an ill member of the employee's
79 immediate family (parent, spouse, child, foster child
80 currently in the care and custody of the employee, sibling,
81 child currently in the care and custody of the employee for
82 whom a petition for adoption has been filed); or an individual
83 with a close personal tie.
- 84 d. Death in the family of the employee (parent, spouse,

SB1 INTRODUCED



85 child, sibling, parent-in-law, son-in-law, daughter-in-law,
86 brother-in-law, sister-in-law, nephew, niece, grandchild,
87 grandparent, uncle, or aunt).

88 e. Death, injury, or sickness of another individual who
89 has unusually strong personal ties to the employee, such as a
90 person who stood in loco parentis.

91 f. Attendance upon an adopted child~~r~~ who is three years
92 of age or younger.

93 (b) Sick leave for employees.

94 (1) ~~EARNINGS~~.—The employee shall earn one sick leave
95 day per month of employment.

96 (2) ~~REASONS FOR TAKING SICK LEAVE~~.—The employee may
97 take sick leave for any of the reasons enumerated and defined
98 in this section. Sick leave taken for the purpose of attending
99 to an adopted child may be taken for a maximum of eight weeks~~r~~
100 or 320 consecutive hours. Nothing in this section shall permit
101 an employee to use sick leave that he or she has not earned or
102 has not been donated.

103 (3) ~~EMPLOYEE PAY WHILE ON SICK LEAVE~~.—Reimbursement of
104 pay for the employee per day of sick leave shall be at the
105 daily rate of pay for the employee.

106 (c) Sick leave accumulation and transfers.

107 (1) An employee may accumulate an unlimited number of
108 sick leave days. Earned sick leave days that have been accrued
109 by an employee shall be transferrable from one employer to
110 another. The executive officer of the employer shall ensure
111 that certification of the number of unused sick leave days is
112 provided to the new employer when an employee transfers

SB1 INTRODUCED



113 employment. All of the earned and unused sick leave days that
114 an employee has accumulated shall be transferred to the new
115 employer for use by the employee as provided by law. However,
116 for purposes of applying accrued sick leave as credit for
117 retirement purposes, an employee is limited to a maximum of
118 sick leave as authorized in subdivision (b)(1). As pertains to
119 receiving retirement credit for accrued sick leave, the
120 ~~Teacher's~~Teachers' Retirement System Board of Control may
121 adopt policies and procedures necessary to effectuate a
122 uniform policy pursuant to this section.

123 (2) Employees of the Alabama State Senate, the
124 Lieutenant Governor, the Office of the Senate President Pro
125 Tempore, the Speaker of the House of Representatives, the
126 Alabama House of Representatives, and the Legislative Services
127 Agency may only accrue unlimited sick leave under this section
128 until January 1, 2013. On January 1, 2013, an employee subject
129 to this section may carry over only the actual number of sick
130 leave hours the employee has or the number allowed under
131 Section 36-26-36, whichever is greater. After January 1, 2013,
132 sick leave earned by an employee subject to this section in
133 excess of the amount determined on January 1, 2013, is subject
134 to Section 36-26-36(d).

135 (d) ~~On-the-job injury.~~ The following
136 ~~regulations~~policies, procedures, and rights are established
137 pertaining to employees who are injured while on the job:

138 (1) ~~NOTICE OF INJURY.~~ a. The employee shall ~~make proper~~
139 ~~notification~~provide written notice of the injury to an
140 immediate supervisor, the executive officer, or to the

SB1 INTRODUCED



141 principal of the school, if applicable, within ~~24 hours~~ five
142 working days after the injury occurred, or where the employee
143 has died or is not clinically able to make notification,
144 another person who is reasonably knowledgeable may make the
145 notification of the injury within 30 days of the date of the
146 injury.

147 **b.** Other notification procedures ~~and forms~~ shall be as
148 established by written policy of the employer.

149 (2) ~~PHYSICIAN CERTIFICATION.~~ The employer may require
150 medical certification from the employee's physician that the
151 employee was injured and cannot return to work as a result of
152 the injury. The executive officer, at his or her discretion,
153 may require a second opinion from another physician at the
154 expense of the employer. The employer may require a statement
155 from the physician that there is a reasonable expectation that
156 the employee will be able to return to work. A uniform
157 physician certification form shall be adopted by the State
158 Board of Education and distributed to each executive officer.

159 (3) ~~SALARY CONTINUED.~~ Upon determination by the
160 executive officer that an employee has been injured on the job
161 and cannot return to work as a result of the injury, the
162 salary and fringe benefits of the employee shall be continued
163 for a period of up to 90 working days consistent with the
164 employee's injury and the subsequent absence from work
165 resulting from the injury. This provision shall apply to the
166 temporary disability of the employee as applicable to the
167 job-related injury.

168 (4) ~~EXTENSION OF DAYS.~~ The employer may adopt a written

SB1 INTRODUCED



169 policy to extend the 90-day sick leave period for on-the-job
170 injuries. Additional job-on-the-job injury policies may be
171 adopted by the employer if the policies do not conflict with
172 thethis section.

173 (5) REIMBURSEMENT TO EMPLOYER. Any reasonable
174 on-the-job injury costs incurred by the employer, to hire a
175 substitute, per absent injured employee in a fiscal year shall
176 be reimbursed to the employer by the state during the next
177 succeeding fiscal year upon application by the employer to the
178 appropriate State Board of Education department on a form
179 adopted by the state board, not to exceed 90 working days. The
180 department shall subsequently submit the request to the
181 Legislature as a line-item in its budget request for
182 reimbursement to the employer, and, if approved by the
183 Legislature, shall reimburse the employer at the amount per
184 day for sick leave authorized and funded in the annual budget
185 act for public schools and colleges.

186 (6) EMPLOYEE'S SICK LEAVE. Sick leave shall not be
187 deducted from the employee's account if absence from work is
188 found to be a result of an on-the-job injury.

189 (7) ADDITIONAL EXPENSES. Any unreimbursed medical
190 expenses and costs that the employee incurs as a result of an
191 on-the-job injury may be filed for reimbursement with the
192 State Board of Adjustment. Reimbursement to the employee shall
193 be determined by the Board of Adjustment's policies, rules,
194 and regulations which may be adopted from time to time. The
195 Board of Adjustment shall adopt appropriate rules,
196 regulations, and forms for submission by the employee.

SB1 INTRODUCED

197 (8) The executive officer, or his or her designee,
198 shall inform the employee who is injured on the job of his or
199 her rights about appearing before the Board of Adjustment and
200 ~~also about the~~ applicable written policies within ~~30~~seven
201 calendar days after notification of the injury.

202 (e) ~~Vacations and leaves of absences.~~ The employer,
203 under the rules and ~~regulations~~ policies adopted from time to
204 time by the State Board of Education, may provide for paid
205 leaves of absences and vacations for its employees. Payment
206 may be from public funds. The employer may provide for leaves
207 of absence during the times the schools are, or are not, in
208 session when the teacher or employee devotes the leave to
209 instructing in or attending schools for appropriate training,
210 or when approved by the State Board of Education as beneficial
211 to the state's educational objectives. The employer may also
212 provide for the payment of any full-time teachers or employees
213 for absences during the time schools are in session when the
214 absence results from an unavoidable cause that prevents the
215 teacher or employee from discharging his or her duties. Pay
216 for the absences resulting from unavoidable causes other than
217 sickness shall not be allowed for a longer time than one week
218 during any one scholastic year.

219 (f) ~~Alabama Community College System annual leave.~~ As
220 applied to Alabama Community College System employers, any
221 employee who earns and accumulates annual leave may accumulate
222 up to 60 days of annual leave at a rate not to exceed that
223 provided in the policy established by the State Board of
224 Education.



SB1 INTRODUCED

225 (g) **Policies.** The policies and procedures required and
226 permitted by this section shall be adopted by the employer
227 consistent with and as required by Section 16-1-30."

228 Section 2. Chapter 1A is added to Title 16 of the Code
229 of Alabama 1975, to read as follows:

230 § 16-1A-1

231 This chapter shall be known and cited as the Mary Anne
232 Leonard Educators' On-The-Job Injury Act.

233 §16-1A-2

234 As used in this chapter, the following terms have the
235 following meanings:

236 (1) BOARD. The Public Education Employee Injury
237 Compensation Board.

238 (2) EMPLOYEE. Any individual employed full-time as
239 provided by law by those employers enumerated in this section
240 and adult bus drivers.

241 (3) EMPLOYER. All public city and county boards of
242 education; all public charter schools; the Board of Trustees
243 of the Alabama Community College System; the Board of Trustees
244 of the Alabama Institute for the Deaf and Blind; the Board of
245 Directors of the Alabama School of Fine Arts; the Board of
246 Trustees of the Alabama High School of Mathematics and
247 Science; the Board of Trustees of the Alabama School of Cyber
248 Technology and Engineering; and the Board of Trustees of the
249 Alabama School of Healthcare Sciences.

250 (4) EXECUTIVE OFFICER. The superintendent of any public
251 county school system or any public city school system; the
252 principal of any public charter school; the President of the

SB1 INTRODUCED



253 Alabama Institute for the Deaf and Blind; the president of any
254 two-year school or college under the auspices of the Board of
255 Trustees of the Alabama Community College System; the
256 Executive Director of the Alabama School of Fine Arts; the
257 Executive Director of the Alabama High School of Mathematics
258 and Science; the President of the Alabama School of Cyber
259 Technology and Engineering; the President of the Alabama
260 School of Healthcare Sciences; and the chief executive officer
261 of any other employer.

262 (5) FUND. The Public Education Employee Injury
263 Compensation Trust Fund.

264 (6) ON-THE-JOB INJURY. Any accident or injury to an
265 employee arising out of and in the course of employment or
266 occurring during the performance of duties.

267 (7) PEEHIP. The Public Education Employees' Health
268 Insurance Plan.

269 (8) PROGRAM. The Public Education Employee Injury
270 Compensation Program.

271 (9) REVIEW BOARD. The Public Education Employee Injury
272 Compensation Program Review Board, a panel composed of three
273 persons designated by the board to hear and consider claims by
274 employees who disagree with the determination by their
275 employer or its agent or service company as to the employee's
276 entitlement to compensation and medical benefits under this
277 program and to approve settlements when required by the
278 program. No member or employee of the board may be a member of
279 the review board.

280 (10) TPA. Third-party administrator or adjuster.



SB1 INTRODUCED

281 \$16-1A-3

282 (a) The following policies, procedures, and rights are
283 established pertaining to employees who are injured while on
284 the job:

285 (1) The employee shall provide written notice of the
286 injury to an immediate supervisor or the executive officer
287 within five working days after the injury occurred, or where
288 the employee has died or is not clinically able to make
289 notification, another individual who is reasonably
290 knowledgeable may make the notification of the injury within
291 30 days of the date of the injury. The board may adopt rules
292 to further provide for the notice requirements under this
293 subdivision.

294 (2) The board shall adopt uniform injury reporting
295 forms. The employer shall distribute the forms to the
296 institutions under his or her supervision. The employer shall
297 prepare the first report of injury form and the employee shall
298 sign the completed injury report form. The employer shall then
299 forward the employee-signed form to the Public Education
300 Employee Injury Compensation Board.

301 (3) Other notification procedures may be established by
302 written policy of the employer but shall not supersede
303 notification procedures established by the board or this
304 chapter.

305 (b) There is established a separate special trust fund
306 in the State Treasury to be known as the Public Education
307 Employee Injury Compensation Trust Fund. All receipts
308 collected pursuant to this chapter shall be deposited in this

SB1 INTRODUCED



309 fund and used to carry out this chapter. Monies in the fund
310 unspent or unencumbered at the end of each fiscal year shall
311 not revert to any other fund in the State Treasury but shall
312 be carried forward to the succeeding fiscal year. All monies
313 in the fund may be invested and reinvested by the board. Any
314 monetary interest that accrues in the fund shall be retained
315 in the fund from year to year.

316 (c) (1) The program shall be governed by this chapter.

317 (2) Payments shall be made by PEEHIP pursuant to this
318 chapter to physicians licensed to practice medicine or other
319 medical providers for services to injured employees and shall
320 be in accordance with the schedule of maximum fees as
321 established by PEEHIP.

322 (3) An employee must use an authorized treating
323 physician covered by PEEHIP. For employees who do not
324 participate in PEEHIP, the board shall adopt rules for
325 selecting authorized treating physicians or other medical
326 providers and shall adopt rules for employees who dispute
327 treatment by an authorized treating physician.

328 (4) Any rules adopted by the board to establish and
329 operate the program shall be subject to the Alabama
330 Administrative Procedure Act.

331 (d) Nothing in this chapter shall be construed to
332 affect any benefit to which an employee is entitled under this
333 title.

334 (e) Sufficient appropriations to the fund for full
335 coverage shall be considered a mandate for local boards of
336 education to participate in the program pursuant to Section

SB1 INTRODUCED



337 25-5-50(d).

338 \$16-1A-4

339 (a) The Public Education Employee Injury Compensation
340 Board shall be comprised of the following members:

341 (1) One member appointed by the Governor.

342 (2) One member appointed by the President Pro Tempore
343 of the Senate.

344 (3) One member appointed by Speaker of the House of
345 Representatives.

346 (4) One member appointed on an alternating basis by the
347 Minority Leaders of the Senate and the House of
348 Representatives, with the Senate Minority Leader appointing
349 first.

350 (5) One member shall be the Director of the Workers'
351 Compensation Division of the Alabama Department of Labor.

352 (b) (1) The terms of the board members shall be
353 staggered so that the initial appointees of the Speaker of the
354 House and the Minority Leader of the Senate shall serve two
355 years, with their successors serving a term of three years.
356 All other appointed members shall serve an initial term of
357 three years, and the successor shall serve a term of three
358 years. No appointed member may serve more than two consecutive
359 terms.

360 (2) A board member shall serve until his or her
361 successor is appointed.

362 (3) The appointing authorities shall coordinate their
363 appointments to assure that the membership of the board is
364 inclusive and reflects the racial, gender, geographic, urban,

SB1 INTRODUCED



365 rural, and economic diversity of the state. The appointing
366 authorities shall coordinate to ensure that at least one
367 member of the board has experience and familiarity with
368 workers' compensation.

369 (c) Initial appointments to the board shall be made by
370 the appointing authority on or before July 1, 2025.

371 (d) Members of the board shall receive no compensation
372 but shall be reimbursed by the fund for travel and per diem
373 expenses at the same rate and in the same manner as state
374 employees.

375 (e) The board shall have all of the following duties:

376 (1) To administer the programs, including, but not
377 limited to, establishing or contracting with a TPA to oversee
378 benefits paid to employees and coordinate with PEEHIP. A
379 contract for services of a TPA shall be procured pursuant to
380 Article 5 of Chapter 4 of Title 41, without regard to
381 exemptions. The TPA, whether contracted or otherwise
382 established, shall have no business or administrative
383 relationship with any education association in Alabama,
384 directly or indirectly.

385 (2) To manage the fund to ensure that adequate funds
386 are maintained to provide all injury program benefits to
387 employees.

388 (3) To provide reasonable compensation for hearing
389 officers who hear any dispute arising under this chapter.

390 (4) To employ professional, clerical, technical, and
391 administrative staff as the board may determine necessary to
392 carry out its duties and compensate staff accordingly.



SB1 INTRODUCED

393 (5) To secure insurance, reinsurance, or other products
394 the board deems advisable in carrying out its duties.

395 (6) To retain and compensate legal counsel to represent
396 the board, employers, the fund, the program, and TPA
397 including, but not limited to, appearing before hearing
398 officers or judges in contested cases.

399 (f) Except as otherwise required by the Health
400 Insurance Portability and Accountability Act, 42 U.S.C. §
401 1320d et seq., the board shall be subject to all applicable
402 open meetings and open records laws, shall adopt rules in
403 accordance with the Alabama Administrative Procedure Act, and
404 shall have a fiduciary duty to the fund and the program.

405 §16-1A-5

406 (a) There is established the Public Education Employee
407 Injury Compensation Program.

413 (c) (1) Payments made to physicians licensed to practice
414 medicine or other medical providers for services to injured
415 employees shall be in accordance with the PEEHIP fee schedule.

SB1 INTRODUCED



421 Section 25-5-314.

422 (d) (1) All undisputed medical reimbursements or
423 payments shall be made within 25 working days of receipt of
424 claims in the form specified in Section 25-5-3.

425 (2) An amount equal to 10 percent of any unpaid balance
426 shall be added to any undisputed medical invoice which is not
427 paid within 25 working days.

428 (e) Any regulation, policy, or program directive for
429 the conduct of utilization review, bill screenings, and
430 medical necessity determinations related to services provided
431 by physicians licensed to practice medicine shall comply with
432 the rules adopted by the Workers' Compensation Medical
433 Services Board under Section 25-5-312.

434 (f) Any rules adopted by the board shall be subject to
435 the Alabama Administrative Procedure Act, and a final
436 determination as to benefits payable under the program shall
437 be subject to review by the Circuit Court in Montgomery County
438 in the manner prescribed by the Alabama Administrative
439 Procedure Act.

440 (g) Employers shall continue to make all required
441 health insurance contributions until any separation from
442 employment.

443 (h) The board shall establish procedures for employers
444 to be reimbursed by the fund for the costs of an employee's
445 compensation and benefits under this chapter.

446 (i) PEEHIP may subrogate, seek reimbursement, or seek
447 credit for any amount paid to an injured employee under the
448 program from any third party, or the employee's insurer,

SB1 INTRODUCED



449 responsible for the injury. Any action to recover shall be
450 filed in the Circuit Court of Montgomery County.

451 (j) Any on-the-job injuries suffered by individuals not
452 covered by this chapter, such as part-time, substitute,
453 temporary, non-full-time employees and volunteers, shall be
454 conducted in accordance with the Board of Adjustment process
455 outlined in Article 4 of Chapter 9 of Title 41.

456 §16-1A-6

457 (a) An employer who refuses to complete and submit an
458 injury report form after timely notice of an injury by an
459 employee pursuant to this chapter shall provide notice in
460 writing of its findings of fact that support its decision. An
461 employee may challenge the employer's decision pursuant to the
462 dispute resolution provisions of this section.

463 (b) (1) The employer's executive officer or the board
464 shall refer any dispute that arises under this chapter between
465 an employee and employer or between an employee and a TPA
466 contracted with or established under this chapter to the
467 review board.

468 (2) Notwithstanding subdivision (1), if an employee,
469 employer, or TPA requests a hearing officer, the dispute shall
470 be referred to and adjudicated by a hearing officer appointed
471 from the panel of neutrals maintained by the Executive
472 Director of the Alabama State Bar Association pursuant to
473 Section 16-24C-6(e). The hearing officer shall be selected
474 using the same process provided in Section 16-24C-6(g).

475 (3) The hearing officer selected must certify that he
476 or she has experience in adjudicating workers' compensation

SB1 INTRODUCED



477 disputes or refer the matter back to the state bar association
478 to repeat the selection process. The hearing and appeals
479 process shall be the same as provided in Section 16-24C-6,
480 except that no deference is to be provided to either party and
481 the Alabama Rules of Evidence shall apply in hearings before
482 the hearing officer.

483 (4) The decision of the review board or hearing officer
484 may be appealed to the Circuit Court of Montgomery County. The
485 court shall review any decision pursuant to Section 41-22-20.

486 (5) The statute of limitations for a dispute under this
487 subsection is two years from the date of the injury or the
488 date of the last temporary total disability payment or the
489 last date of payment for medical benefits.

490 (c) The decision of the review board or hearing officer
491 shall be based on a preponderance of the evidence as contained
492 in the record of the hearing except in cases involving
493 injuries which have resulted from gradual deterioration or
494 cumulative physical stress disorders, which shall be deemed
495 compensable only upon a finding of clear and convincing proof
496 that the injuries arose out of and in the course of the
497 employee's employment. For the purposes of this subsection,
498 "clear and convincing" means evidence that, when weighed
499 against evidence in opposition, will produce in the mind of
500 the trier of fact a firm conviction as to each essential
501 element of the claim and a high probability as to the
502 correctness of the conclusion. Proof by clear and convincing
503 evidence requires a level of proof greater than a
504 preponderance of the evidence or the substantial weight of the

SB1 INTRODUCED



505 evidence, but less than beyond a reasonable doubt.

506 (d) The Alabama Rules of Civil Procedure shall govern
507 the methods of discovery, except that the following
508 limitations to pre-hearing discovery shall apply:

509 (1) Two depositions for each side shall be permitted
510 without leave of court. No additional depositions shall be
511 permitted except with leave of court for good cause shown,
512 including, but not limited to, a claim by the employee for
513 permanent total disability.

514 (2) Notwithstanding subdivision (1), each party may
515 take the deposition of every other party.

516 (3) No more than 25 interrogatories, with each subpart
517 to be considered a question, shall be permitted without leave
518 of court for good cause shown.

519 (4) Certified sealed copies of records of medical
520 treatment and expenses shall be authenticated in accordance
521 with Rule 44(h) of the Alabama Rules of Civil Procedure,
522 without further need for authenticating testimony.

523 (5) Copies of records obtained by one party shall be
524 furnished by certified mail to the other party not less than
525 21 days prior to the hearing, unless the party offering the
526 records can establish unusual circumstances justifying
527 admission of the records.

528 (6) The party not offering the records of treatment by
529 a physician or other medical provider shall have the right to
530 depose the physician or medical provider whose records of
531 treatment are to be offered by any other party.

532 (g) The review board or hearing officer may award a



SB1 INTRODUCED

533 legal fee of up to 15 percent of the compensation awarded in a
534 contested case. This amount is discretionary and will only be
535 awarded if requested by legal counsel for the employee. The
536 award shall be deducted from compensation otherwise payable to
537 the employee pursuant to rules adopted by board.

538 \$16-1A-7

539 (a) The costs of the program, including administration
540 costs, shall be paid from the fund. The total amount to be
541 expended pursuant to the program shall not exceed the amount
542 provided for in annual appropriations.

543 (b) The program shall begin accepting on-the-job injury
544 claims on an implementation date declared and published by the
545 board in consultation with the Board of Adjustment but not
546 later than October 1, 2026.

547 (c) The program created by this chapter shall be the
548 sole remedy for employees who incur an on-the-job injury on or
549 after the implementation date established in subsection (b).
550 The Board of Adjustment shall have sole jurisdiction over
551 on-the-job injury claims for injuries occurring before the
552 implementation date in subsection (b).

553 (d) Nothing in this chapter shall be construed as a
554 waiver by the state of its sovereign immunity under the
555 Constitution of Alabama 2022.

556 Section 3. This act shall become effective immediately.
557