

HB 299-FN - AS INTRODUCED

2025 SESSION

25-0607

05/09

HOUSE BILL

299-FN

AN ACT relative to the award of attorneys' fees and costs in workers' compensation claims.

SPONSORS: Rep. S. Pearson, Rock. 13; Rep. Bordes, Belk. 5; Sen. Prentiss, Dist 5

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill provides that when a claimant in a workers' compensation dispute prevails at the department level, the claimant shall be entitled to an award of reasonable attorneys' fees and costs.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the award of attorneys' fees and costs in workers' compensation claims.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Workers' Compensation; Award of Fees and Interest. Amend RSA 281-A:44, VI to read as
2 follows:

3 VI.(a) No attorney representing a claimant shall contract for, charge for, or collect a fee for
4 legal service rendered to the claimant at the department level unless the fee has been approved by
5 the commissioner. ***If a claimant prevails at the department level, the claimant shall be***
6 ***entitled to reimbursement of reasonable counsel fees and costs as approved by the***
7 ***commissioner.*** In determining the amount of the allowable fee, the commissioner shall consider,
8 among other things, the nature, length and complexity of the service performed, the usual and
9 customary charge for work of the like kind and the benefit accruing to the claimant as a result of the
10 legal service performed[; ~~provided, however, that~~].

11 (b) When an insurance carrier, self insurer, or payor acting on behalf of such carrier or
12 self insurer disputes the causal relationship of a medical bill to the claimant's injury, or whether a
13 medical bill was required by the nature of the injury, and denies payment of such bill, [is] ***and*** after
14 a hearing[,] ***is*** ordered to pay or reimburse the bill by the commissioner, the claimant shall be
15 entitled to reimbursement of reasonable counsel fees and costs as approved by the commissioner.
16 The claimant shall be entitled to reasonable fees and costs pending appeal. In the event that the
17 medical bill is voluntarily accepted less than 7 business days prior to the date of the scheduled
18 hearing, the claimant shall be entitled to reasonable counsel fees and costs as approved by the
19 commissioner unless the carrier can prove a justifiable reason for the delay in accepting the bill.

20 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 299-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the award of attorneys' fees and costs in workers compensation claims.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source(s)</i>	Various Agency Funds			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill provides that when a claimant in a workers' compensation dispute prevails at the Department level, the claimant shall be entitled to an award of reasonable attorneys' fees and costs.

The Department of Labor indicates the bill would amend RSA 281-A:44 relative to award of attorney fees in workers compensation cases by adding language entitling injured workers to reimbursement of reasonable counsel fees and costs when they prevail at a Department level hearing, as approved by the Commissioner. The Department notes the language does not specify whom is responsible for reimbursement reasonable counsel fees and costs, though infers the liability would reside with the insurance carrier. The Department suggests that language clarifying the party responsible for the reimbursement would add clarity to the bill. The bill

further amends the statutory provision by removing language limiting payment of counsel fees and costs by an insurance carrier to instances when medical bills are in dispute.

The Department states that it is unlikely the proposed legislation will have a significant impact on revenues at the state, county or local level. The Department notes it is possible that there may be costs associated with an increase in claim expenditures impacted by the statutory change, but any such change is difficult to quantify. The Department does not anticipate that the bill would materially impact the administration of the workers compensation system.

AGENCIES CONTACTED:

Department of Labor