



# Employers State Law Alert

Summarizing Significant New Employment Laws & Regs in All 50 States



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## More states, cities looking at bans on height and weight discrimination

by Tammy Binford

New York City in May took a step that has many employees and jobseekers cheering and breathing a sigh of relief. The city enacted a law prohibiting employers from discriminating against people based on height and weight.

The law includes certain exemptions. For example, it exempts employers that have a reason to consider their employees' size because of a job's essential functions. Also, it includes exemptions for operators or providers of public accommodations. But in other fields, the new law protects people who may be vulnerable to size discrimination.

New York City isn't alone in banning such discrimination, but it's one of just a handful of cities taking the step. A May 11 report from CNN Business says just six other cities and one state—Michigan—have similar laws offering protection against size discrimination.

### A LOOK AT STATE EFFORTS

Michigan's law prohibiting discrimination based on a person's height or weight has been on the books since 1976. The ban is part of the state's Elliott-Larson Civil Rights Act. The law makes height or weight discrimination as illegal as discrimination based on religion, race, color, national origin, age, sex, and marital status.

More states are considering size discrimination laws. Massachusetts may become the second state to pass a law. In February, a bill titled An Act Prohibiting Body Size Discrimination was referred to a legislative committee.

If passed, the bill will add the words height and weight to the list of protected characteristics included in the state's antidiscrimination law.

In 2022, New Jersey also considered—but didn't pass—a bill that would have added weight and height to the list of protected characteristics included in the New Jersey Law Against Discrimination.

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New York state also is considering a bill in its 2023-24 legislative session that would prohibit discrimination based on weight except “where deviation may pose a threat to the individual, other patrons, or the general public,” according to the bill’s summary. Vermont also has considered such a bill, but nothing has passed.

### **A LOOK AT CITIES’ LAWS**

Besides making exceptions for jobs where size is related to one’s ability to perform the essential functions, New York City’s new law includes language that allows employers to offer weight management incentives as part of a voluntary wellness program.

In addition to New York City, six other cities have laws against size discrimination, according to media reports. They are Binghamton, New York; Madison, Wisconsin; Urbana, Illinois; Washington, D.C.; San Francisco, California; and Santa Cruz, California.

A 2012 study from a Vanderbilt University researcher looked at the effectiveness of the cities’ laws. “The evidence suggests that at least two of the local laws—in Urbana and Madison—have helped,” researcher Jennifer Shinall said.

The laws work because they make it easier for people to file claims, according to the research. People who feel they’ve been discriminated against go through a local commission’s process. “The commissions handle the complaints entirely, so complainants do not need a lawyer,” Shinall said.

### **FACTS AND STATS**

Recent research from resume writing company ResumeBuilder found a significant number of overweight American workers reported experiencing weight discrimination. The company surveyed 1,000 workers, and the results showed that 36% had experienced discrimination based on height, weight, or level of attractiveness.

ResumeBuilder found that overall, 26% of the workers surveyed said they “definitely” (7%) or “probably have” (19%) been discriminated against at work because of their weight. Slightly more men than women said they had experienced weight discrimination (28% versus 25%).

Those who self-identified as being obese were most likely to say they have experienced discrimination. Of that group, 71% said they had experienced weight discrimination. Of the respondents who said they are overweight (rather than obese), 53% said they’ve experienced discrimination.

Underweight individuals also reported weight discrimination, with 42% of the survey respondents saying they had faced such discrimination.

Among the comments voiced by the survey respondents: “I’m overweight, and I believe there is a stigma that we are lazy” and “Thinner coworkers were promoted or given better projects first, despite being less experienced and having lower performance.”

Height also was identified as a basis for discrimination, with 12% of ResumeBuilder’s survey reporting they “definitely” (4%) or “probably have” (8%) been discriminated against because of height. More men than women (15% versus 10%) reported height discrimination.

A few of the comments from survey respondents: “I am a 6-foot-tall woman, so at times I think my height has been intimidating or made people uncomfortable”; “I have been turned down for positions because I was too short. I couldn’t reach something, and they did not want to provide step stools”; and “People at work have said I should wear heels more often.”

The Society for Human Resource Management (SHRM) has researched weight discrimination in the workplace. In May, SHRM reported that 12% of U.S. workers said they have felt unfairly treated because of their weight.

Key findings of the research, which was collected from February through April 2023, include:

- Fifteen percent of U.S. workers said others at work had made false assumptions about them because of their weight at some point in their career.
- Seventy-two percent of U.S. workers who had experienced unfair treatment at work because of their weight said it made them feel like quitting their job.
- Even though most U.S. workers haven’t sensed or experienced weight discrimination themselves, one in five said they have witnessed others being mistreated.
- Obese employees are more likely to be perceived as lazy, unmotivated, and unprofessional, while average-weight employees are more likely to be seen as high performing, hardworking, motivated, and leaders.
- Among HR professionals, 11% said an applicant’s weight has played a role in decisions their organization has made during the job application process.
- Also, 11% of HR professionals said obese employees at their organization aren’t always treated as fairly as average-weight employees.

## STATUTES

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### Alabama

#### Employee Benefits

##### Paid family leave

*This law authorizes disability insurers to expand their fully insured benefits to include paid family leave benefits through employer-sponsored group insurance policies or voluntarily purchased employee policies.*

**Cite:** 2023 AL HB141, AL Pub. Ch.112 (7 pages)

**Enacted:** 5/4/2023

**Effective:** 8/1/2023

<https://arc-sos.state.al.us/ucp/L1251642.A11.pdf>

### Florida

#### Employee Health and Safety

##### Prohibits mask mandates and COVID-19-related testing and vaccine requirements

This law amends several statutes to prohibit mask mandates, mandates on emergency use authorization vaccinations, messenger ribonucleic acid vaccinations, and COVID-19 vaccinations. It also prohibits COVID-19 testing mandates in educational institutions, business entities, and governmental entities. The law prohibits these entities and institutions from requiring proof of a vaccination with one of the specified types of vaccinations, postinfection recovery from COVID-19, or a COVID-19 test to gain access to, entry upon, or service from the entity or institution. The law also prohibits business and governmental entities from certain employment practices based on an employee's, or a potential employee's, vaccination or COVID-19 postinfection status or the refusal to take a COVID-19 test.

**Cite:** 2023 FL SB252, FL. Pub. Ch. 43 (20 pages)

**Enacted:** 5/11/2023

**Effective:** 6/1/2023

<https://www.flsenate.gov/Session/Bill/2023/252/BillText/er/PDF>

### Georgia

#### Employee Benefits

##### Removes sunset

This law repeals the sunset provision on the law that allows employees to use sick leave to care for immediate family members. The effect of this change is to make this use of sick leave permanent law.

**Cite:** 2023 GA SB61, GA Pub. Ch. 90 (1 page)

**Enacted:** 5/1/2023

**Effective:** 5/1/2023

<https://www.legis.ga.gov/api/legislation/document/20232024/218797>

#### Workers' Compensation

##### Revises benefits

This law changes provisions relating to surviving spouse dependency determination and termination. It increases the compensation benefits for total disability and temporary partial disability. It also increases the total compensation payable to a surviving spouse as a sole dependent at the time of death from \$290,000 to \$320,000.

**Cite:** 2023 GA HB480, GA Pub. Ch. 259 (5 pages)

**Enacted:** 5/2/2023

**Effective:** 7/1/2023

<https://www.legis.ga.gov/api/legislation/document/20232024/219874>

### Maryland

#### Legislation

##### Maryland legislative session concludes with significant employment law developments

*by David M. Stevens, Whiteford Taylor Preston LLP*

*The Maryland General Assembly's 2023 legislative session ended this spring, and while the session didn't produce a lot of new employment legislation, there were a number of developments that will have a significant impact on Maryland employers. This article provides an overview of the key new statutes.*

## **TIMELINE FOR IMPLEMENTING PAID FAMILY LEAVE PROGRAM EXTENDED**

Perhaps the most significant employment legislation to pass during this legislative session is a bill that extends several key dates for the implementation of Maryland's paid family leave program.

Last year, Maryland joined nine other states and the District of Columbia in adopting a paid family leave program that will be administered by the state government. The program will allow employees to access up to 12 weeks of paid leave benefits that can be used for qualifying reasons such as the birth of a child, to care for a family member with a serious health condition, or for the employees' own serious health condition.

The amount of compensation that will be paid to an employee during a qualifying leave will be calculated based on a statutory formula, and the program will be funded by payroll taxes collected from both employers and employees.

Under the original bill passed in 2022, the Maryland Department of Labor was due to issue regulations relating to the law by June 1, 2023, and tax contributions were to begin in October of this year. Employees were to have been able to use the leave beginning on January 1, 2025.

Under the new legislation passed this year, each of those deadlines has been postponed. Regulations pertaining to the program are now set to be issued by January 1, 2024, and tax contributions to fund the program won't begin until October 1, 2024. The date for benefits to become available under the law has also been extended by one year to January 1, 2026.

In addition to modifying the timetable for the program's implementation, the new legislation also included several provisions that will affect how the program operates. Among those is a requirement that the Maryland secretary of labor set an initial payroll tax contribution rate that will apply for the first 20 months contributions are in effect. That rate is capped at 1.2% of each employee's total wages, and the law calls for contributions to be evenly split between employers and their employees. The law provides a basic amount of cost predictability for employers over the initial period the statute will be in force.

Another notable change for employers is that while the original version of the law specified that employees would be required to use any available paid leave before accessing

leave under the state program, the new legislation provides that employees won't be required to use other forms of leave before accessing leave through the program.

## **INCREASE IN STATE MINIMUM WAGE HAS BEEN ACCELERATED**

For the past several years, the Maryland minimum wage has automatically increased annually. Those increases were scheduled to continue until the minimum wage ultimately reached \$15.00 per hour, with large employers set to reach the \$15.00 minimum wage figure earlier than small employers.

Under legislation passed in 2023, all Maryland employers, regardless of size, will be subject to a \$15.00 minimum wage amount effective January 1, 2024.

## **NEW SALARY THRESHOLD FOR USE OF NONCOMPETES**

In conjunction with the change in the minimum wage amount, the General Assembly has also changed the minimum amount an employee must be paid for an employer to require a noncompete. Under an existing law, any covenant not to compete would be deemed void if the employee who signed the agreement was paid less than \$15.00 per hour, or \$31,200 per year for a full-time employee. According to a bill passed this year, that threshold has been increased to 150% of the state minimum wage. Beginning January 1, 2024 (when the new minimum wage becomes effective), no employee earning less than \$22.50 per hour may be subject to a noncompete.

Employers should be aware that while the statute sets a minimum compensation threshold, the law doesn't alter the standard that will be applied by courts when considering such agreements with respect to employees who meet the salary threshold. In other words, a noncompete won't automatically be enforceable simply because an employee is paid at an amount above the threshold.

Courts faced with a decision of whether a noncompete is enforceable will continue to consider factors such as the duration and geographic scope of the agreement, as well as the breadth of activities it restricts. Employers that are considering noncompetes are encouraged to consult with legal counsel in drafting any such agreements.

## MARYLAND ATTORNEY GENERAL GIVEN NEW ENFORCEMENT AUTHORITY

A final bill of potential significance to employers granted broad new authority to the state's attorney general to investigate and provide remedies for violations of the state's civil rights laws. In addition to areas such as discrimination in housing and places of public accommodation, the new powers granted to the attorney general include the right to investigate and file civil actions with respect to acts of employment discrimination.

While the new law doesn't change the process for an employee to seek relief for an alleged violation of the antidiscrimination statutes, which involves filing of a discrimination charge with the Maryland Commission on Civil Rights or the Equal Employment Opportunity Commission (EEOC), employers should be aware that another office in the state government can now also launch investigations and seek judicial relief with respect to violations of the statutes prohibiting employment discrimination.

### BOTTOM LINE

The 2023 legislative session resulted in several significant developments for Maryland employers. While employers will now have more time to prepare for the implementation of the state family leave program, they must be prepared to comply with a new minimum wage effective January 1, 2024, and will likewise need to assess whether their existing covenants not to compete will be impacted by the new salary threshold condition to the enforceability of noncompete agreements.

*Excerpted from Maryland Employment Law Letter  
Steven Bers and David M. Stevens, Editors  
Whiteford Taylor Preston LLP*

### Public Employers: Workers' Compensation

#### Offset of benefits

This law limits the application of existing provisions that do not require the payment of workers' compensation benefits to specified public-sector employees when the employee is receiving other similar public benefits. That provision applies only when the other public benefits being paid are based in whole or in part on the same body part. The intent of the law is to abrogate the holding by the Supreme Court of Maryland in *Spevak v. Montgomery County*.

**Cite:** 2023 MD SB 377, MD Pub. Ch. 410 (6 pages)

**Enacted:** 5/3/2023

**Effective:** 10/1/2023

<https://mgaleg.maryland.gov/2023RS/bills/sb/sb0377E.pdf>

### Workers' Compensation

#### Compensable injuries

This law establishes that a hernia caused as a result of repetitive trauma may be considered an occupational disease that is compensable under workers' compensation law.

**Cite:** 2023 MD SB839, MD Pub. Ch. 411 (2 pages)

**Enacted:** 5/3/2023

**Effective:** 10/1/2023

<https://mgaleg.maryland.gov/2023RS/bills/sb/sb0839T.pdf>

## Michigan

### Disability

#### Michigan amends civil rights act to include abortion protections

*by Amanda McSween Empey, Bodman PLC*

*On May 17, 2023, Governor Gretchen Whitmer signed Senate Bill (SB) 147, which amends the Elliott-Larsen Civil Rights Act (ELCRA) to prohibit employers from discriminating against employees based on their decision to terminate a pregnancy.*

### PROTECTED CLASSES

Originally enacted in 1977, the ELCRA currently prohibits employment discrimination based on religion, race, color, national origin, age, sex, height, weight, and marital status. In March 2023, Michigan added "sexual orientation" and "gender identity or expression" to the list of protected classes.

Currently, the ELCRA prohibits sex-based discrimination, including pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, but there's an exception for "nontherapeutic abortions not intended to save the life of the mother."

In other words, under the current statute, an employer could lawfully discriminate against employees who terminate a pregnancy if the abortion wasn't intended to save the mother's life.

## **DISCRIMINATION BASED ON ABORTION NOW PROHIBITED**

SB 147 removes this exception. It prohibits employer discrimination based on abortion by amending the definition of “sex” to include “pregnancy, childbirth, the termination of a pregnancy, or a related medical condition.”

Furthermore, employers are specifically prohibited from treating employees affected by pregnancy, childbirth, the termination of a pregnancy, or a related medical condition differently for any employment-related purpose.

The bill will take effect 90 days after the end of the 2023 regular legislative session, which will likely be mid- to late March 2024. To avoid liability, you should review your discrimination policies and procedures and provide training to human resources (HR) and managerial employees.

*Excerpted from Michigan Employment Law Letter  
Gary Fealk and John Below, Editors  
Bodman PLC*

## **Minnesota**

### **Employee Benefits**

#### **Enacts Paid Family and Medical Leave program**

This law creates a paid family and medical leave (PFML) program providing employees up to 20 weeks of leave per year. Employees may begin to take the leave on January 1, 2026, at which time employees and employers also begin paying into the fund. The law applies to all employers regardless of their size or the number of employees in the state. All Minnesota employees, with limited exceptions, will be eligible for the benefits if they meet the financial eligibility requirements under the law. Certain seasonal employees are excluded from coverage under the law. Additionally, self-employed individuals and independent contractors are excluded but may elect to purchase coverage under the program. To receive benefits, an employee must have earned at least 5.3% of the state average annual wage over their base period, defined as the most recent four completed calendar quarters before the employee’s application for benefits. Currently, this amounts to annual earnings of about \$3,500. The employee can aggregate wages earned from multiple employers to satisfy the financial eligibility test.

Coverage falls into two categories: leave for the employee’s own serious health condition; and other leave, including family care, bonding, safety, or qualifying exigency. Except for

benefits for bonding leave, a benefits claim must be based on a single qualifying event of at least seven calendar days. The days must be consecutive unless the leave is intermittent. An employee may take up to 12 weeks of paid leave for their own serious health condition and up to 12 weeks of paid leave for bonding, family care, safety, or a qualifying exigency. However, employees are limited to an aggregate of 20 weeks of paid leave in a benefit year. An employee may take leave intermittently for any of the covered reasons under the law. However, an employer may limit intermittent leave to 480 hours in any 12-month period. The employee would be able to take any remaining leave continuously. Employees will not receive their full wages for PFML. The state will apply a maximum weekly benefit amount computed by law.

Employers must pay quarterly premiums to the family and medical benefit insurance account on the taxable wages paid to each employee and must pay at least half of the annual premiums. Employees, through a wage deduction, must pay the remaining premium not paid by the employer. There is a small business exclusion where employers with fewer than 30 employees will pay a reduced amount, which the fund will absorb; employees at small employers will pay the same as those at larger employers. Employers must electronically submit a quarterly wage detail report to the state that includes information about employee wages and hours worked. Penalties apply for incomplete or incorrect information. Employers must include information about amounts deducted and paid to employees for PFML on employees’ earnings statements. The law prohibits retaliation. Employers must not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against employees for seeking, requesting, or obtaining PFML benefits or exercising other rights. Employers are also prohibited from obstructing or impeding an application for PFML leave or benefits. Employers may, however, require employees to comply with their usual requirements for requesting leave. The employer may also require the employee to provide a copy of the certification. The employer may not require the employee to identify a replacement worker to cover the employee’s work. The employer must maintain insurance under any group insurance policy, group subscriber contract, or healthcare plan for an employee and the employee’s dependents as if the employee were not on leave. The employee must continue to pay the employee share of such benefits. The employee will be treated as if the employee continued to work for purposes of changes to benefit plans. Upon return from PFML, an employee must be reinstated to the same position the employee held

when the leave started or to an equivalent position with equivalent pay, benefits, terms, and conditions of employment. The law creates a private right of action for employees.

Employees may sue in federal or state court to vindicate their rights under the statute. Remedies include pay damages, interest, liquidated damages for actions not in good faith, injunctive or equitable relief, and attorneys' fees and costs.

**Cite:** 2023 MN HF2, MN Pub. Ch. 59 (81 pages)

**Enacted:** 5/25/2023

**Effective:** 1/1/2026

<https://wdoc.house.leg.state.mn.us/leg/LS93/HF0002.9.pdf>

### **Labor and Employment**

#### **Omnibus Labor and Economic Development Act**

This law amends and creates many provisions related to jobs, labor, and economic development. It includes various provisions affecting employers. The law creates the Minnesota employer reasonable accommodation fund and requires a reasonable accommodation reimbursement pilot grant program to be created to reimburse eligible employers for expenses related to providing reasonable accommodations for individuals with a disability who are either applicants or employees of the employer. The law amends three areas of worker protection laws: the Packinghouse Workers Bill of Rights, migrant labor laws, and recruitment in food processing employment protections. The law also addresses nursing home workforce standards and employer liability. The law creates the Safe Workplaces for Meat and Poultry Processing Workers Act. This includes providing a meat-processing worker the right to refuse to work under dangerous conditions. It requires meat-processing employers to adopt a safe worker program to minimize and prevent musculoskeletal disorders. It requires meat-processing employers to provide workers with information and notifications about employee rights at least annually. The law allows an administrative law judge to order employee reinstatement and other relief to an employee who has refused in good faith to work under dangerous conditions. The law regulates restrictive employment agreements and prohibits financial settlements in sexual harassment or abuse cases between employers and employees from paying the settlement as wages or severance pay regardless of whether the settlement also includes a nondisclosure agreement. Finally, the law makes covenants not to compete in employment agreements void and unenforceable unless the exception for sale or dissolution of a business applies.

**Cite:** 2023 MN SF3035, MN Pub.Ch. 53 (268 pages)

**Enacted:** 5/24/2023

**Effective:** Various effective dates

[https://www.revisor.mn.gov/bills/text.php?number=SF3035&version=latest&session=ls93&session\\_year=2023&session\\_number=0&format=pdf](https://www.revisor.mn.gov/bills/text.php?number=SF3035&version=latest&session=ls93&session_year=2023&session_number=0&format=pdf)

### **Workers' Compensation**

#### **Adopts Workers' Compensation Advisory Committee recommendations**

This law adopts the 2023 Workers' Compensation Advisory Committee recommendations. The law modifies the workers' compensation self-insurance system, improves system efficiencies, modifies the permanent partial disability schedule, and requires a post-traumatic stress disorder study and report.

**Cite:** 2023 MN HF2988, MN Pub. Ch. 51 (29 pages)

**Enacted:** 5/19/2023

**Effective:** Various

<https://wdoc.house.leg.state.mn.us/leg/LS93/HF2988.1.pdf>

## **North Dakota**

### **Drug Use**

#### **ND lawmakers amend medical marijuana statute to broaden employer protections**

*by Bailey J. Voge, Vogel Law, Vogel Law Firm*

*The North Dakota Legislature recently passed Senate Bill (SB) 2388, which amends Section 19-24.1-34 of the North Dakota Century Code, clarifying actions employers may take in disciplining employees who are medical marijuana cardholders.*

### **CLEARING THE AIR**

Before the bill's passing, Section 19-24.1-34 stated that even if an employee is a medical marijuana cardholder, an employer may prohibit and discipline the employee for possessing marijuana in the workplace, consuming marijuana in the workplace, or working while under the influence of marijuana.

The difficulty with the statutory language is the lack of accurate testing available to determine whether someone is "under the influence" of marijuana at any specific time.

To address this difficulty, SB 2388 clarifies that North Dakota employers may also prohibit and discipline an employee for “working with marijuana in the employee’s system.” This additional language broadens employers’ protections in enforcing a drug-free workplace by clarifying employees may be subject to disciplinary action if they have marijuana in their system while at work regardless of whether they’re under the influence and regardless of their medical marijuana cardholder status.

SB 2388 was signed by Governor Doug Burgum on April 11, 2023. It was passed as an emergency measure and went into effect on April 12, 2023.

### **BOTTOM LINE**

You should update your drug-free workplace and testing policies and procedures with regard to marijuana given this important change in the law. For more information, contact your Vogel Law Firm employment team.

*Bailey J. Voge is an attorney with Vogel Law Firm in Fargo. She can be reached at [bvoge@voegellaw.com](mailto:bvoge@voegellaw.com) or 701-237-6983.*

*Excerpted from North Dakota Employment Law Letter  
Lisa Edison-Smith and KrisAnn Norby-Jahner, Editors  
Vogel Law Firm*

## **Oklahoma**

### **Workers’ Compensation**

#### **Updates benefits for employee’s children**

This law updates the workers’ compensation payment amounts for each child of a deceased worker to receive the following based on the total number of children: one child: \$25,000 and 15 percent of the worker’s weekly wage; two to four children: \$25,000 and 30 percent of the worker’s weekly wage; five or more children: \$100,000 and 30 percent of the worker’s weekly wage.

**Cite:** 2023 OK HB1738 (4 pages)

**Enacted:** 5/15/2023

**Effective:** 1/1/2024

[http://webserver1.lsb.state.ok.us/cf\\_pdf/2023-24%20ENR/hB/HB1738%20ENR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2023-24%20ENR/hB/HB1738%20ENR.PDF)

## **Tennessee**

### **Drugs**

#### **Regulation of hemp-derived cannabinoid**

This law regulates the sale and distribution of products containing a hemp-derived cannabinoid. The bill does not require an employer to accommodate the use of a hemp-derived cannabinoid in a workplace nor protect an employee working while under the influence of a hemp-derived cannabinoid. It also does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy or create a cause of action against an employer for wrongful discharge or discrimination.

**Cite:** 2023 TN SB378, TN Pub. Ch. 423 (9 pages)

**Enacted:** 5/11/2023

**Effective:** Various effective dates

<https://publications.tnsosfiles.com/acts/113/pub/pc0423.pdf>

### **Wage and Hour**

#### **Prohibits local government regulation**

This law generally prohibits a local government from adopting or enforcing any legal requirement that regulates or imposes a requirement upon an employer pertaining to hours worked, scheduling that an employer is required to provide employees, or employee output during work hours. The law specifies that a local government entity may set and regulate hours, scheduling, and output for its own employees and for the provision of services. This law further clarifies that the general prohibition does not prohibit a local government entity from regulating or limiting the hours a business may operate.

**Cite:** 2023 TN HB774, TN Pub. Ch. 309 (3 pages)

**Enacted:** 4/28/2023

**Effective:** 4/28/2023

<http://www.capitol.tn.gov/Bills/113/Bill/HB0774.pdf>

## **Washington**

### **Drugs**

#### **Employee use of recreational cannabis**

This law prohibits employers from discriminating against a person in hiring based on the person’s off-duty cannabis use or on an employer-required drug screening that identifies non-psychoactive cannabis metabolites in the person’s hair,



blood, urine, or other bodily fluids. The law does not prohibit an employer from basing initial hiring decisions on scientifically valid drug screening conducted through methods that do not screen for non-psychoactive cannabis metabolites. It also does not apply to testing for controlled substances other than pre-employment, such as post-accident testing or testing because of suspicion of impairment or being under the influence of alcohol, controlled substances, medications, or other substances, or affect the rights or obligation of an employer to maintain a drug- and alcohol-free workplace or any other right or obligation of an employer required under federal law or regulation. The law provides exceptions for job applicants seeking specified safety-sensitive positions. The law does not preempt state or federal law requiring an applicant to be tested for controlled substances as a condition of receiving employment, receiving federal funding or licensing-related benefits, or as required by federal contract.

**Cite:** 2023 WA SB5123, WA Pub. Ch. 359 (3 pages)

**Enacted:** 5/9/2023

**Effective:** 1/1/2024

<https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/5123-S.SL.pdf?q=20230530082759>

### **Employee Benefits**

#### **Access to Paid Family and Medical Leave data**

This law provides that any interested party may have access to the following records and information related to an employee's paid family or medical leave claim: type of leave being taken; requested duration of leave, including the approved dates of leave; and whether the employee was approved for benefits and was paid benefits for any given week. Any information provided may only be used for the purpose of administering internal employer leave or benefit practices under established employer policies. The department may investigate unauthorized uses of records and information obtained under this law. The law defines "interested party" as a current employer, a current employer's third-party administrator, or an employee. The department may disclose records and information deemed confidential under this law to a third party acting on behalf of an individual or employer that would otherwise be eligible to receive records when the department receives a signed release from the individual or employer.

**Cite:** 2023 WA SB5586, WA Pub. Ch. 375 (3 pages)

**Enacted:** 5/9/2023

**Effective:** 1/1/2024

<https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/5586-S.SL.pdf?q=20230601082401>

### **Employee Benefits**

#### **Payment for unused leave**

This law provides that workers covered under the North American Industry Classification System code for construction, except for residential construction, that have not met the 90-day sick leave eligibility threshold at the time of separation must be paid the balance of their accrued and unused sick. Payment must be made at the end of the established pay period following the worker's separation.

**Cite:** 2023 WA SB5111, WA Pub. Ch. 267 (8 pages)

**Enacted:** 5/4/2023

**Effective:** 1/1/2024

<https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/Senate/5111-S.SL.pdf?q=20230530085245>

### **Employee Privacy**

#### **Prohibits employer searches of employee vehicles**

This law prohibits unjustified employer searches of employee personal vehicles. Under the law, employers or their agents may not search an employee's privately owned vehicle located on the employer's parking lots, garages, or access roads to the employer's parking lots or garages. An employee may possess any legally possessed private property in the employee's vehicle. An employer must not require, as a condition of employment, that an employee or prospective employee waive those protections. The prohibition against searches does not apply to: vehicles owned or leased by an employer; lawful searches by law enforcement officers; when a reasonable person would believe that accessing an employee's vehicle is necessary to prevent an immediate threat to human health, life, or safety; when the employer requires or authorizes the employee to use the employee's vehicle for work-related activities and the employer needs to inspect the vehicle to ensure it is suited to conduct the work-related activities; security inspections on state and federal military installations and facilities; vehicles located on state correctional institution premises; specific employer areas subject to searches under state or federal law; or when an employee consents to a search based on probable cause that

the employee unlawfully possesses employer property or controlled substances in violation of both federal law and the employer's written policy prohibiting drug use. The employee's consent must be given immediately prior to the search and the employer may not require that the employee waive consent as a condition of employment. Upon consent, the employee may select a witness to be present during the search. An employer may not take any adverse action against an employee for exercising any rights established under this law. Adverse action means any action taken or threatened by an employer against an employee for exercising the employee's rights.

**Cite:** 2023 WA HB1491, WA Pub. Ch. 252 (3 pages)

**Enacted:** 5/4/2023

**Effective:** 7/23/2023

<https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1491-S2.SL.pdf?q=20230601081438>

### **Employee Safety**

#### **Warehouse employees**

This law requires certain warehouse distribution center employers to provide written descriptions of quotas, work speed data, and other information to employees. The law applies to employers that, directly or indirectly, or through an agent or other person, exercise control over the wages, hours, or working conditions of 100 or more employees at a single warehouse distribution center in the state or of 1,000 or more employees at one or more warehouses in the state. For purposes of determining responsible employers, all agents and affiliates will be deemed employers and are jointly and severally responsible for compliance. It provides that quotas must include sufficient time for breaks and other activities. Whenever a quota is changed, the employer must notify the employee of the new quota as soon as possible and before the employee is subject to the quota. Notice can be verbal and must be followed by an updated written description within two business days. The law also prohibits retaliation against employees and former employees and creates a rebuttable presumption. The law authorizes the Department of Labor and Industries to investigate complaints, enforce provisions, including enforcement under the Washington Industrial Safety and Health Act and the Minimum Wage Act.

**Cite:** 2023 WA HB1762, WA Pub. Ch. 306 (11 pages)

**Enacted:** 5/4/2023

**Effective:** 7/1/2024

<https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1762-S2.SL.pdf?q=20230530084348>

### **Labor Unions**

#### **Communication between unions and employees**

This law creates a privilege from examination and disclosure for a union representative and a union employee concerning any communication between the union representative or union employee made during union representation.

**Cite:** 2023 WA HB1187, WA Pub. Ch. 202 (9 pages)

**Enacted:** 5/1/2023

**Effective:** 7/23/2023

<https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1187-S.SL.pdf?q=20230530085645>

### **Unemployment Compensation**

#### **Revises qualifications when employee voluntarily leaves work**

This law establishes additional circumstances under which a person may voluntarily quit for good cause. It expands the voluntary quit pertaining to death, illness, or disability. A temporary voluntary quit is established pertaining to care inaccessibility. Beginning July 7, 2024, through July 8, 2029, a claimant has good cause and is not disqualified from benefits when separation from employment was necessary because the person was unable to access care for a child or a vulnerable adult. These benefits are not directly charged to contribution-paying employers. Also, the eligibility criteria for accessing benefits due to a death, illness, or disability are modified, and are also applied to the circumstance involving care inaccessibility. The law also addresses involuntary shift changes. Beginning July 7, 2024, a claimant has good cause and is not disqualified from benefits when he or she had a regularly scheduled shift or split shift start or end time for the prior 90 calendar days, and the employer, without request by the person and not based on a system of seniority, changes the regularly scheduled shift or split shift start or end time by six or more hours for that shift on a nontemporary basis. Finally, the law addresses employees relocating to follow a minor child. Beginning July 7, 2024, a claimant has good cause and is not disqualified from benefits when he or she: left work to relocate to follow a minor child who moved outside of his or her labor market; remained employed as long as was reasonable prior to relocating; and had parental

rights over the minor child at the time of the job separation. These benefits are not directly charged to contribution-paying employers, meaning the costs are socialized and evenly shared by all employers participating in the UI system.

**Cite:** 2023 WA HB1106, WA Pub. Ch. 240 (11 pages)

**Enacted:** 5/4/2023

**Effective:** 7/23/2023

<https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1106-S.SL.pdf?q=20230602112110>

## REGULATIONS

### Alabama

#### Healthcare Professionals

##### Collaborative practice

The Board of Pharmacy amended rules for collaborative practice to update the language to align with the Board of Medical Examiners.

**Cite:** Ala. Admin. Code r. 680-X-2-.44 (Volume XLI, Issue No. 7 AAM, 04/28/2023) (21 pages)

**Adopted:** 4/19/2023

**Effective:** 6/12/2023

<https://albop.com/oodoardu/2023/04/PHARM-680-X-2-.44-Certified-041923.pdf>

### Alaska

#### HEALTHCARE PROFESSIONALS

##### Vaccination administration

The Board of Pharmacy adopted regulation changes to comply with legislation that removed the limitation that only a pharmacist may administer a vaccine or related emergency medication, with updates to training, continuing education, and practice requirements for pharmacists, pharmacy technicians, and pharmacist interns.

**Cite:** 12 AAC 53.235(a)(4) (Online Public Notice System, 04/20/2023) (10 pages)

**Adopted:** 4/20/2023

**Effective:** 5/19/2023

<https://aws.state.ak.us/OnlinePublicNotices/Notices/Attachment.aspx?id=141116>

### California

#### Licensure

##### Psychological practice

The Board of Psychology amended regulations pertaining to the registration, supervision, and practice of registered psychological associates.

**Cite:** 16 CCR §§1391.1, .2, .5, .6, .8, .10, .11, .12; 16 CCR §1392.1 (CRNR 2023, No. 17-Z, 04/28/2023, page 612) (14 pages)

**Adopted:** 4/17/2023

**Effective:** 7/1/2023

<https://govt.westlaw.com/calregs/Search/Index>

### Florida

#### Licensure

##### Disciplinary proceedings

The Board of Professional Engineers amended rules outlining grounds for disciplinary proceedings to eliminate a restriction on expressing a public opinion on an engineering subject without being informed and competent.

**Cite:** Fla. Admin. Code R. 61G15-19.001 (49 faw 1250, 04/04/2023) (1 page)

**Adopted:** 4/4/2023

**Effective:** 4/19/2023

<https://www.flrules.org/gateway/readFile.asp?sid=0&type=1&tid=27013547&file=61G15-19.001.doc>

#### Workers' Compensation

##### Manual for hospitals

The Division of Workers' Compensation amended rules to incorporate the 2020 version of the Florida Workers' Compensation Reimbursement Manual for Hospitals, with updated maximum reimbursement allowances for various medical services based on approved methodology.

**Cite:** Fla. Admin. Code R. 69L-7.501 (49 faw 1341, 04/11/2023) (1 page)

**Adopted:** 4/6/2023

**Effective:** 6/1/2023

[https://www.flrules.org/gateway/notice\\_Files.asp?ID=27106570](https://www.flrules.org/gateway/notice_Files.asp?ID=27106570)

## Illinois

### Wages

#### Payment and collection of wages or final compensation

The Illinois Department of Labor amended rules to change the allowable penalty assessment amount, establish the process by which a general construction contractor may be liable for unpaid wages owed by their subcontractor, clarify when an employee may be entitled to reimbursement for necessary employment-related expenditures, and clarify when an employer may deduct from an employee's wages.

**Cite:** 56 Ill. Adm. Code 300 (47 Ill. Reg. 5406, 04/14/2023) (21 pages)

**Adopted:** 4/14/2023

**Effective:** 3/31/2023

[https://www.ilsos.gov/departments/index/register/volume47/register\\_volume47\\_15.pdf](https://www.ilsos.gov/departments/index/register/volume47/register_volume47_15.pdf)

### Workers' Compensation

#### Electronic filing

The Workers' Compensation Commission amended rules to update statutory references and to clarify confusing language that may have prevented parties from submitting certain essential records.

**Cite:** 50 Ill. Adm. Code 9015 (47 Ill. Reg. 6144, 04/28/2023) (5 pages)

**Adopted:** 04/28/23

**Effective:** 04/13/23

[https://www.ilsos.gov/departments/index/register/volume47/register\\_volume47\\_17.pdf](https://www.ilsos.gov/departments/index/register/volume47/register_volume47_17.pdf)

## Indiana

### Healthcare Professionals

#### Nurses assistance program

The Board of Nursing amended rules for the Indiana State Nurses Assistance Program to remove the requirement that addiction treatment programs be "abstinence based," including rules for definitions, eligibility, and recovery monitoring agreement requirements for participants.

**Cite:** 848 I.A.C. 7-1-1; 848 I.A.C. 7-1-2; 848 I.A.C. 7-1-3 (Indiana Register, 04/05/2023) (4 pages)

**Adopted:** 3/6/2023

**Effective:** 5/5/2023

<http://iac.iga.in.gov/iac//20230405-IR-848220111FRA.xml.html>

## Iowa

### Licensure

#### Continuing education

The Professional Licensure Division amended rules for physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants to update requirements for continuing education.

**Cite:** 645 I.A.C. 200.7(1)"g," 200.15(3), 203.1, 206.9, 206.11(3), 207.1 (IAB Vol. XLV, No. 21, 04/19/2023, page 2627) (3 pages)

**Adopted:** 3/10/2023

**Effective:** 5/24/2023

<https://www.legis.iowa.gov/docs/aco/bulletin/04-19-2023.pdf>

#### Occupational Safety: Occupational Health

#### Penalties for citations

The Labor Services Division amended rules to align the penalties for occupational safety and health citations with the corresponding federal OSHA penalties by making mandatory annual cost-of-living adjustments.

**Cite:** 875 I.A.C. 3.11(1) (IAB Vol. XLV, No. 21, 04/19/2023, page 2613) (2 pages)

**Adopted:** 3/28/2023

**Effective:** 5/24/2023

<https://www.legis.iowa.gov/docs/aco/bulletin/04-19-2023.pdf>

## Kansas

### Licensure

#### Continuing education

The Board of Healing Arts amended regulations under its article on license renewal and continuing education to establish updated expiration dates for licenses to practice medicine and surgery, practice osteopathic medicine and surgery, and practice chiropractic.

**Cite:** K.A.R. 100-15-1 (42-17 kan reg 460, 04/27/2023) (1 page)

**Adopted:** 4/27/2023

**Effective:** 5/12/2023

<https://sos.ks.gov/publications/Register/Volume-42/Issues/Issue-17/04-27-23-51081.html>

## Massachusetts

### Parental Leave

#### MCAD issues proposed parental leave guidelines

by Amelia J. Holstrom, Skoler, Abbott & Presser, P.C.

Massachusetts significantly amended its Maternity Leave Act in 2015 when it became known as the Parental Leave Act. Among other things, the Act expands coverage to men, requires employers to provide the leave to full-time employees after just three months of employment even if their introductory period is longer, and requires employers to post a notice regarding the leave. At the time, the Massachusetts Commission Against Discrimination (MCAD) issued a one-page fact sheet regarding the new law and attached the old maternity leave guidelines that hadn't been updated. Similarly, the regulations remained unchanged, leaving some unanswered questions. However, employers may soon get some answers from the MCAD.

#### MCAD ISSUES PROPOSED GUIDANCE

On February 2, 2023, the MCAD proposed its "Guidelines on the Massachusetts Parental Leave Act." The 32-page proposed guidelines cover a number of topics, such as when leave may be taken; the type of leave that may be taken; the use of accrued paid time off (PTO) during leave; job restoration following parental leave; the interrelationship between parental leave and other leave laws, including the Massachusetts Paid Family and Medical Leave (PFML) Act; and notice and posting requirements. Here are the highlights:

##### **Continuous, intermittent, or reduced schedule leave.**

Employees may take parental leave in a continuous block of time or on an intermittent or a reduced schedule basis with their employer's consent. The MCAD has proposed, however, that employers may not "unreasonably deny" the intermittent or reduced schedule leave.

##### **Parental leave can begin before the birth or adoption and up to one year after.**

Parental leave is available "for the purpose of giving birth" or "for the placement of a child for adoption with the employee" who "is adopting" or "is intending to adopt" and therefore can be started before the birth or adoption and must be used within a "reasonable timeframe" after. The MCAD indicates that one year after the birth is generally considered a reasonable time frame within which to take parental leave.

##### **Exceptions may need to be made to use-it-or-lose-it vacation policies.**

When they return to work, nonstate employees who use parental leave are entitled to all the vacation and sick time they accrued before their leave but didn't use. Therefore, if an employer has a policy stating employees will lose all accrued vacation they haven't used by January 1, but as of January 1, an employee has 15 hours of vacation time left because they were on parental leave beginning December 15, the employee is entitled to the 15 hours of vacation time upon returning from their eight weeks of parental leave.

##### **Parental leave time not included when determining certain benefits.**

Employers aren't required to count time taken as parental leave when determining various benefits, including, but not limited to, vacation time, sick time, bonuses, seniority, or length-of-service credits, "unless such time is included in computation of such benefits for employees" on other types of leave.

**Can't force the use of company-provided PTO.** Employees may not be required to use their available vacation or other non-sick PTO during any unpaid parental leave. However, employers can require employees to use any time available to them under the Massachusetts Earned Sick Time statute so long as the absence is also a qualifying sick leave reason.

**Restoration rights.** When parental leave ends, employees must be returned to the same or a similar position that has the same status, pay, length-of-service credit, and seniority as the position they held before the leave. If a pregnancy resulted in a temporary change in an employee's duties, the employee must be restored to the same or a similar position to the one she held before the temporary change. Also, to determine whether the position is the same or similar, the MCAD will consider many factors, including but not limited to title, responsibilities, reporting relationships, salary, wages, bonuses, vacation and other benefits, location, resources and support, hours of work, schedule, availability of remote work, and advancement opportunities.

**Some leaves can run concurrently.** Parental leave runs concurrently with Massachusetts PFML and federal Family and Medical Leave Act (FMLA) leave when an employee is also eligible for those leaves. The MCAD notes there may be instances when employees use all of their PFML and/or FMLA leave for a reason other than birth or adoption, in which case they would still be entitled to eight weeks of unpaid parental leave to give birth/adopt. For example, if an employee uses 26 weeks of PFML for a serious health condition and the serious health condition of another in the six months leading up to the birth, the employee will still be eligible to take eight weeks of unpaid parental leave to give birth.

**Eight weeks per birth.** Unlike PFML, which only provides 12 weeks for the purposes of bonding after a birth or an adoption regardless of the number of children birthed or adopted, the Parental Leave Act provides eight weeks of leave for “each birth” or adopted child. Accordingly, an employee who has twins is entitled to 16 weeks of parental leave, and in the case of triplets, they are entitled to 24 weeks of parental leave.

**Nondiscrimination.** Parental leave policies must provide leave equally regardless of sex, gender identity, sexual orientation, or any other protected class under Massachusetts law. For example, you may not provide 12 weeks of parental leave to new mothers but only eight weeks to new fathers.

### **GUIDANCE IS ONLY PROPOSED AND NOT FINAL**

The MCAD accepted public comment on the proposed guidance until March 24, 2023. Once the public comments are reviewed, the MCAD may or may not revise the guidelines based on the feedback it received. Thereafter, it will issue the guidelines in their final form. Once the guidelines are issued, you should review them and make necessary changes to your practices as a result. If you have questions or concerns, consult with your labor and employment counsel.

*Amelia J. Holstrom is a partner at the firm Skoler, Abbott & Presser, P.C., in Springfield, Massachusetts. She can be reached at 413-737-4753 or aholstrom@skoler-abbott.com.*

*Excerpted from Massachusetts Employment Law Letter  
Amelia J. Holstrom, Marylou V. Fabbo, Timothy F. Murphy, John S. Gannon, Erica E. Flores, and Meaghan E. Murphy, Editors  
Skoler, Abbott & Presser, P.C.*

## Michigan

### **Occupational Safety: Occupational Health**

#### **Hydraulic power press safety**

The Department of Labor and Economic Opportunity amended rules under the Michigan Occupational Safety and Health Act Part 23 Hydraulic Power Presses, updating definitions for certain devices and safety terms, rules for two-hand controls, rules for presence sensing devices, rules for ejecting stock and scrap, and rules for inspection and maintenance records.

**Cite:** AC, R 408.12306, 12310, 12331, 12341, 12363, 12373 (2023 MR 6, 04/15/2023, page 244) (3 pages)

**Adopted:** 3/20/2023

**Effective:** 3/20/2023

[https://www.michigan.gov/lara/-/media/Project/Websites/lara/moahr/ARD/2023-Michigan-Register/MR6\\_041523.pdf?rev=8d161d94349d4fbca121216fadca7e&hash=F7A5140BCF1BFBF6F72753097C9C13A0](https://www.michigan.gov/lara/-/media/Project/Websites/lara/moahr/ARD/2023-Michigan-Register/MR6_041523.pdf?rev=8d161d94349d4fbca121216fadca7e&hash=F7A5140BCF1BFBF6F72753097C9C13A0)

**Return to TOC**

## Oregon

### **Workers' Compensation**

#### **Billing codes and references**

The Workers' Compensation Division amended rules to adopt by reference new medical billing codes and related references and to adopt, in rule or by reference, codes and descriptors published by the American Medical Association, including medical fee schedules, payments, and related procedures, protected health information, and managed care organization responsibilities.

**Cite:** OAR 436-009-0004, 436-009-0010, 436-009-0012, 436-009-0020, 436-009-0023, 436-009-0025, 436-009-0040, 436-009-0060, 436-009-0080, 436-009-0090, 436-010-0240, 436-010-0270, 436-015-0040 (Oregon Bulletin, April 2023) (45 pages)

**Adopted:** 3/9/2023

**Effective:** 4/1/2023

<https://secure.sos.state.or.us/oard/viewReceiptTRIM.action?ptId=9371018>

## Texas

### **Workers' Compensation**

#### **Designated doctor procedures and requirements**

The Division of Workers' Compensation amended rules to maintain and increase participation in the designated doctor program and to allow better access to certain types of specialized examinations, with amendments involving changes to address training and testing requirements; designated doctor qualifications, certification, and renewals; multiple certifications; and administrative burdens.

**Cite:** 28 TAC §127 (48 TexReg 2123, 04/21/2023) (37 pages)

**Adopted:** 4/5/2023

**Effective:** 4/30/2023

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=28&pt=2&ch=127&sch=A&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=28&pt=2&ch=127&sch=A&rl=Y)

### **Workers' Compensation**

#### **Monitoring and enforcement**

The Division of Workers' Compensation amended rules concerning division-required training for doctors to attract and retain doctors in the maximum medical improvement and impairment rating certification program by revising testing frequency.

**Cite:** 28 TAC § 180.23 (48 TexReg 2133, 04/21/2023) (1 page)

**Adopted:** 4/5/2023

**Effective:** 4/30/2023

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=28&pt=2&ch=180&rl=23](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=28&pt=2&ch=180&rl=23)

## Virginia

### Benefits

#### Multiple employer welfare arrangements

The State Corporation Commission amended and adopted new rules pursuant to legislation providing for the licensure of self-funded Multiple Employer Welfare Arrangements (MEWAs) by the Commission, limited to apply only to fully insured MEWAs, establishing the requirements for licensure as a self-funded MEWA, and addressing financial conditions, solvency requirements, insolvency plans, and statutory exclusion from the Virginia Life, Accident and Sickness Insurance Guaranty Association.

**Cite:** 14VAC5-410, 415 (39 va regs reg 2302, 04/24/2023) (8 pages)

**Adopted:** 4/24/2023

**Effective:** 5/1/2023

<http://register.dls.virginia.gov/details.aspx?id=10636>

## Washington

### Licensure

#### Licensing program fees

The Department of Licensing amended rules to increase fees for each professional, occupational, or business licensing program.

**Cite:** WAC 308-127-160 (WSR 23-10-029, 04/27/2023) (3 pages)

**Adopted:** 4/27/2023

**Effective:** 5/30/2023

<https://lawfilesexext.leg.wa.gov/law/wsr/2023/10/23-10-029.htm>

### Occupational Health

#### Presumption for post-traumatic stress disorder

The Department of Labor and Industries amended rules to clearly explain when a presumption for post-traumatic stress disorder (PTSD) exists for certain firefighters, law enforcement officers, and emergency medical technicians and explain the addition of telecommunicators to the list of those who can file a non-presumptive occupational disease claim for PTSD.

**Cite:** WAC 296-14-300 (WSR 23-08-063, 04/04/2023) (2 pages)

**Adopted:** 4/4/2023

**Effective:** 5/5/2023

[lawfilesexext.leg.wa.gov/law/wsr/2023/08/23-08-063.htm](http://lawfilesexext.leg.wa.gov/law/wsr/2023/08/23-08-063.htm)

### Occupational Safety

#### Charter boat safety

The Department of Labor and Industries amended rules to better align safety requirements for charter boats with statutory and federal requirements, also addressing items from an audit of the charter boat program along with housekeeping and formatting changes.

**Cite:** WAC 296-115 (WSR 23-09-054, 04/18/2023) (13 pages)

**Adopted:** 4/18/2023

**Effective:** 5/22/2023

<https://lawfilesexext.leg.wa.gov/law/wsr/2023/09/23-09-054.htm>

## Wisconsin

### Licensure

#### Telehealth

The Psychology Examining Board revised regulations to create new rules defining telehealth for the purpose of the practice of psychology and establishing licensure requirements for interjurisdictional telepsychology.

**Cite:** Wis. Admin. Code § Psy 1, 2, 5 (Wis. Admin. Reg. No. 808A3, 04/17/2023) (4 pages)

**Adopted:** 4/12/2023

**Effective:** 6/1/2023

[https://docs.legis.wisconsin.gov/code/register/2023/808A3/register/cr/cr\\_21\\_016\\_rule\\_text/cr\\_21\\_016\\_rule\\_text](https://docs.legis.wisconsin.gov/code/register/2023/808A3/register/cr/cr_21_016_rule_text/cr_21_016_rule_text)