

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives McKissack and Mitchum**

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For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS WORKERS' COMPENSATION LAW;
9 AND FOR OTHER PURPOSES."

10

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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13 SECTION 1. Arkansas Code 11-9-508 is hereby amended to read as follows:

14 "11-9-508. Medical services and supplies - Liability of employer.

15 (a) The employer shall promptly provide for an injured employee such
16 medical, surgical, hospital, and nursing service, and medicine, crutches,
17 artificial limbs, and other apparatus as may be reasonably necessary for the
18 treatment of the injury received by the employee. The employee shall be
19 allowed the right to choose his or her physician, and shall have the right for
20 treatment by that physician or any referral by that physician reasonable and
21 necessary for the treatment of the injury or complications naturally flowing
22 from that injury.

23 (b) In addition to this right to the first choice of physician, if the
24 employer fails to provide the services or things mentioned in subsection (a)
25 of this section within twenty (20) days after knowledge of the injury, the
26 commission may direct that the injured employee be allowed expenses for any
27 other physicians as are reasonable and necessary for the treatment of the
28 injury."

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30 SECTION 2. Arkansas Code 11-9-509 is hereby amended to read as follows:

31 "11-9-509. Medical services and supplies - Amounts and time periods.

32 The time periods allowable for authorized medical, hospital, and other
33 services and treatment furnished under §§ 11-9-508 - 11-9-516, unless waived
34 by the employer-respondent or approved by the commission and warranted by the
35 preponderance of the evidence on the basis of the record as a whole, are:

1 (1) Six (6) months if the claimant lost no compensable time from work
2 as a result of his injury;

3 (2) Six (6) months following the return to work by an injured employee
4 who has been receiving authorized medical or hospital or other services or
5 treatment."
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7 SECTION 3. Arkansas Code 11-9-511 is hereby amended to read as follows:

8 "11-9-511. Medical services and supplies - Physical examination.

9 (a) An injured employee claiming to be entitled to compensation shall
10 submit to such physical examination and treatment by another qualified
11 physician, designated or approved by the commission, as the commission may
12 require from time to time if reasonable and necessary.

13 (b) The places of examination and treatment shall be reasonably
14 convenient for the employee and the employee shall be paid all mileage, meals,
15 motel or other incidental expenses incurred by reason of the examination or
16 treatment at the expense of the employer.

17 (c) Such physician as the employee, employer, or insurance carrier may
18 select and pay for may participate in the examination if the employee,
19 employer, or insurance carrier so requests.

20 (d) In cases where the commission directs examination or treatment,
21 proceedings shall be suspended, and no compensation shall be payable for any
22 period during which the employee refuses to submit to examination and
23 treatment or otherwise obstructs same, so long as the refusal of the treatment
24 or examination is found to be unreasonable.

25 (e) Failure of the employee to obey the order of the commission in
26 respect to examination or treatment as outlined herein for a period of one (1)
27 year from the date of suspension of compensation shall bar the right of the
28 claimant to further compensation in respect to the injury."
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30 SECTION 4. Arkansas Code 11-9-512 is hereby amended to read as follows:

31 "11-9-512. Medical services and supplies - Refusal to submit to
32 operation.

33 Where an injured person unreasonably refuses to submit to a surgical
34 operation which has been advised by at least two (2) qualified physicians and
35 where the recommended operation does not involve unreasonable risk of life or

1 additional serious physical impairment, the commission, in fixing the amount
2 of compensation, may take into consideration such refusal to submit to the
3 advised operation."

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5 SECTION 5. Arkansas Code 11-9-514 is hereby amended to read as follows:

6 "11-9-514. Medical services and supplies - Change of physician.

7 (a) (1) If the employee selects a physician and the employer shall
8 promptly pay for those services, the commission shall not authorize a change
9 of physician unless the employee first establishes to the satisfaction of the
10 commission that there is a reasonable basis or circumstance justifying a
11 change, including but not limited to a lack of rapport between the physician
12 and the employee, a failure of the physician to assign restrictions or an
13 anatomical rating, if any, after the end of the healing period, and other
14 reasons which the Commission finds reasonable.

15 (2) If the employer selects a physician, the claimant in addition to
16 his or her right to select the physician in the first instance, may petition
17 the commission for a change of physician, and if the commission approves the
18 change, with or without a hearing, the commission shall determine the second
19 physician and shall not be bound by recommendations of claimant or respondent.
20 However, if the change desired by the claimant is to a chiropractic
21 physician, the claimant may make the change by giving advance written
22 notification to the employer or carrier. All treatments or medical expenses
23 rendered by the chiropractic physician prior to notification shall not be the
24 responsibility of the employer.

25 (b) Treatment or services furnished or prescribed by any physician
26 other than the ones selected according to the foregoing, except emergency
27 treatment, shall be at the claimant's expense.

28 (c) (1) After being notified of an injury, the employer or insurance
29 carrier shall deliver to the employee, in person or by certified or registered
30 mail, return receipt requested, a copy of a notice, approved or prescribed by
31 the commission, which explains the employee's rights and responsibilities
32 concerning change of physician.

33 (2) If, after notice of injury, the employee is not furnished a copy of
34 the notice, the restrictions on the employee concerning change of physician
35 rules do not apply.

1 (3) Any unauthorized medical expense incurred after the employee has
2 received a copy of the notice shall not be the responsibility of the employer
3 except as set out above.

4 (d) A request for a hearing on a change of physicians by either the
5 employer or the injured employee shall be given preference on the commission's
6 docket over all other matters.

7 (e) Cooperation on the part of both the injured employee and the
8 employer in an effort to select another physician is encouraged."
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10 SECTION 6. All provisions of this Act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.
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14 SECTION 7. If any provision of this Act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the Act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 Act are declared to be severable.
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20 SECTION 8. All laws and parts of laws in conflict with this Act are
21 hereby repealed.
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