

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Snyder

A Bill

SENATE BILL 375

For An Act To Be Entitled

"AN ACT TO AMEND ARK. CODE § 11-9-514 RELATIVE TO AN
INJURED EMPLOYEE'S RIGHT TO SELECT A PHYSICIAN UNDER
WORKERS' COMPENSATION; AND FOR OTHER PURPOSES."

Subtitle

"TO AMEND A.C.A. § 11-9-514 RELATIVE TO
AN INJURED EMPLOYEE'S RIGHT TO SELECT A
PHYSICIAN UNDER WORKERS' COMPENSATION."

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

SECTION 1. Arkansas Code Annotated § 11-9-514 is hereby amended to
read as follows:

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

(a)(1) If the employer or responsible insurance carrier selects a
physician for the injured employee, the claimant employee may notify the
commission one (1) time only for a change of physician. The claimant
employee may select a physician by providing written notice of the name and
address of the physician to the commission, and the commission shall
acknowledge receipt of the selection by providing notice to the employee and
employer or insurance carrier. The commission shall authorize no change of
physician unless the employee first establishes to the satisfaction of the
commission that there is a valid reason or circumstance justifying a change.

(2) A petition for change of physician shall be expedited by the
commission.

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

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

6 (2) If, after notice of injury, the employee is not furnished a
7 copy of the notice, the change of physician rules do not apply.

8 (3) Any unauthorized medical expense incurred after the employee
9 has received a copy of the notice shall not be the responsibility of the
10 employer.

11 (d) A request for a hearing on a change of physician by either the
12 employer or the injured employee shall be given preference on the
13 commission's docket over all other matters.

14 (e) Cooperation on the part of both the injured employee and the
15 employer in an effort to select another physician is encouraged.

16 (f) When compensability is controverted, subsection (b) of this
17 section shall not apply if:

18 (1) The employee requests medical assistance in writing prior to
19 seeking the same as a result of an alleged compensable injury; and

20 (2) The employer refuses to refer the employee to a medical
21 provider within forty-eight (48) hours after such written request as provided
22 above; and

23 (3) The alleged injury is later found to be a compensable
24 injury; and

25 (4) The employer has not made a previous offer of medical
26 treatment.

27 (g) The commission shall by regulation require the inclusion of the
28 information set forth in subsection (f) of this section on all A-6 forms."

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30 SECTION 2. All provisions of this act of a general and permanent
31 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
32 Code Revision Commission shall incorporate the same in the Code.

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34 SECTION 3. If any provision of this act or the application thereof to
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

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5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

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