

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 965

4
5 By: Senators Ross, Bearden
6 By: Representatives Lavery, P. Malone

For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE 11-9-514(a) TO PROVIDE
11 FOR SELECTION AND CHANGING OF PHYSICIAN UNDER THE
12 ARKANSAS WORKERS' COMPENSATION LAW; AND FOR OTHER
13 PURPOSES. "

Subtitle

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16 "TO PROVIDE FOR THE SELECTION AND
17 CHANGING OF A PHYSICIAN UNDER THE
18 WORKERS' COMPENSATION LAW. "

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

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23 SECTION 1. Arkansas Code 11-9-514(a), concerning the selection and
24 changing of physician, is amended to read as follows:

25 "(a)(1) If the employee selects a physician, the Workers' Compensation
26 Commission shall not authorize a change of physician unless the employee first
27 establishes to the satisfaction of the commission that there is a compelling
28 reason or circumstance justifying a change.

29 (2)(A) If the employer selects a physician, the claimant may petition the
30 commission one (1) time only for a change of physician, and, if the commission
31 approves the change, with or without a hearing, the commission shall determine
32 the second physician and shall not be bound by recommendations of claimant or
33 respondent.

34 (B) However, if the change desired by the claimant is to a chiropractic
35 physician, optometrist, or podiatrist, the claimant may make the change by
36 giving advance written notification to the employer or carrier.

1 (3) Following establishment of an Arkansas managed care system as
 2 provided in § 11-9-508, subdivisions (a)(1) and (2) of this section shall
 3 become null and void, and thereafter:

4 (A)(i) The employer shall have the right to select the initial primary
 5 care physician from among those associated with managed care entities
 6 certified by the commission as provided in § 11-9-508.

7 (ii) Where the employer has contracted with a managed care organization
 8 certified by the commission, The the claimant employee, however, may petition
 9 shall be allowed to change physicians by petitioning the commission one (1)
 10 time only for a change of physician, to a physician who must also either be
 11 associated with a the managed care entity certified by the commission chosen
 12 by the employer or be the regular treating physician of the employee who
 13 maintains the employee's medical records and with whom the employee has a bona
 14 fide doctor-patient relationship demonstrated by a history of regular
 15 treatment prior to the onset of the compensable injury, but only if the
 16 primary care physician agrees to refer the employee to a certified the managed
 17 care entity chosen by the employer for any specialized treatment, including
 18 physical therapy, and only if such primary care physician agrees to comply
 19 with all the rules, terms, and conditions regarding services performed by the
 20 managed care entity initially chosen by the employer.

21 (iii) Where the employer does not have a contract with a managed
 22 care organization, certified by the commission, the claimant employee,
 23 however, shall be allowed to change physicians by petitioning the commission
 24 one (1) time only for change of physician, to a physician who must either be
 25 associated with any managed care entity certified by the commission or be the
 26 regular treating physician of the employee who maintains the employee's
 27 medical records and with whom the employee has a bona fide doctor-patient
 28 relationship demonstrated by a history of regular treatment prior to the onset
 29 of the compensable injury, but only if the primary care physician agrees to
 30 refer the employee to a physician associated with any managed care entity
 31 certified by the commission for any specialized treatment, including physical
 32 therapy, and only if such primary care physician agrees to comply with all the
 33 rules, terms, and conditions regarding services performed by any managed care
 34 entity certified by the commission.

35 (B) A petition for change of physician shall be expedited by the
 36 commission. "

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

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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