

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE KRUEGER-BRANEKY

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1 Amend Bill, page 1, lines 8 and 9, by striking out
2 "prescription drugs and the treatment of work-related injuries"
3 and inserting
4 schedule of compensation

5 Amend Bill, page 1, line 9, by striking out "and,"

6 Amend Bill, page 1, line 10, by inserting after "review"
7 ; and, in fraud enforcement, further providing for penalties

8 Amend Bill, page 1, lines 17 through 20, by striking out all
9 of said lines and inserting

10 Section 1. Section 306(f.1)(1) and (6)(ii) of the act of
11 June 2, 1915 (P.L.736, No.338), known as the Workers'
12 Compensation Act, are amended, paragraph (3)(vi) is amended by
13 adding a subclause and paragraph (6) is amended by adding a
14 subparagraph to read:

15 Amend Bill, page 2, line 3, by striking out all of said line
16 and inserting

17 (f.1) (1) (i) The employer shall provide payment in
18 accordance with this section for reasonable surgical and medical
19 services, services rendered by physicians or other health care
20 providers, including an additional opinion when invasive surgery
21 may be necessary, medicines and supplies, as and when needed.
22 Provided an employer establishes a list of at least six
23 designated health care providers, no more than four of whom may
24 be a coordinated care organization and no fewer than three of
25 whom shall be physicians, the employe shall be required to visit
26 one of the physicians or other health care providers so
27 designated and shall continue to visit the same or another
28 designated physician or health care provider for a period of
29 [ninety (90)] one hundred eighty (180) days from the date of the
30 first visit: Provided, however, That the employer shall not
31 include on the list a physician or other health care provider

1 who is employed, owned or controlled by the employer or the
2 employer's insurer unless employment, ownership or control is
3 disclosed on the list. No employer or insurer may direct,
4 suggest or require an employe to see a specific designated
5 health care provider or physician on the list. Should invasive
6 surgery for an employe be prescribed by a physician or other
7 health care provider so designated by the employer, the employe
8 shall be permitted to receive an additional opinion from any
9 health care provider of the employe's own choice. If the
10 additional opinion differs from the opinion provided by the
11 physician or health care provider so designated by the employer,
12 the employe shall determine which course of treatment to follow:
13 Provided, That the second opinion provides a specific and
14 detailed course of treatment. If the employe chooses to follow
15 the procedures designated in the second opinion, such procedures
16 shall be performed by one of the physicians or other health care
17 providers so designated by the employer for a period of [ninety
18 (90)] one hundred eighty (180) days from the date of the visit
19 to the physician or other health care provider of the employe's
20 own choice. Should the employe not comply with the foregoing,
21 the employer will be relieved from liability for the payment for
22 the services rendered during such applicable period. It shall be
23 the duty of the employer to provide a clearly written
24 notification of the employe's rights and duties under this
25 section to the employe. The employer shall further ensure that
26 the employe has been informed and that he understands these
27 rights and duties. This duty shall be evidenced only by the
28 employe's written acknowledgment of having been informed and
29 having understood his rights and duties. Any failure of the
30 employer to provide and evidence such notification shall relieve
31 the employe from any notification duty owed, notwithstanding any
32 provision of this act to the contrary, and the employer shall
33 remain liable for all rendered treatment. Subsequent treatment
34 may be provided by any health care provider of the employe's own
35 choice. Any employe who, next following termination of the
36 applicable period, is provided treatment from a nondesignated
37 health care provider shall notify the employer within five (5)
38 days of the first visit to said health care provider. Failure to
39 so notify the employer will relieve the employer from liability
40 for the payment for the services rendered prior to appropriate
41 notice if such services are determined pursuant to paragraph (6)
42 to have been unreasonable or unnecessary.

43 (ii) In addition to the above service, the employer shall
44 provide payment for medicines and supplies, hospital treatment,
45 services and supplies and orthopedic appliances, and prostheses
46 in accordance with this section. Whenever an employe shall have
47 suffered the loss of a limb, part of a limb, or an eye, the
48 employer shall also provide for an artificial limb or eye or
49 other prostheses of a type and kind recommended by the doctor
50 attending such employe in connection with such injury and any
51 replacements for an artificial limb or eye which the employe may

1 require at any time thereafter, together with such continued
2 medical care as may be prescribed by the doctor attending such
3 employe in connection with such injury as well as such training
4 as may be required in the proper use of such prostheses. The
5 provisions of this section shall apply to injuries whether or
6 not loss of earning power occurs. If hospital confinement is
7 required, the employe shall be entitled to semiprivate
8 accommodations, but, if no such facilities are available,
9 regardless of the patient's condition, the employer, not the
10 patient, shall be liable for the additional costs for the
11 facilities in a private room.

12 (iii) Nothing in this section shall prohibit an insurer or
13 an employer from contracting with any individual, partnership,
14 association or corporation to provide case management and
15 coordination of services with regard to injured employes.

16 * * *

17 Amend Bill, page 8, by inserting between lines 17 and 18

18 Section 2.1. Section 1102 of the act is amended by adding a
19 paragraph to read:

20 Section 1102. A person, including, but not limited to, the
21 employer, the employe, the health care provider, the attorney,
22 the insurer, the State Workmen's Insurance Fund and self-
23 insureds, commits an offense if the person does any of the
24 following:

25 * * *

26 (13) Knowingly directs, suggests or requires an employe to
27 see a specific designated health care provider or physician on
28 the list under section 306(f.1)(1)(i).

29 Section 2.2. The amendment of section 306(f.1)(1) of the act
30 shall apply to injuries occurring on or after the effective date
31 of this section.