

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE NEUMAN

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1 Amend Bill, page 1, line 9, by inserting after "injuries"
2 and for physical examinations

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

4 Amend Bill, page 1, line 10, by striking out the period after
5 "review" and inserting
6 ; in general provisions, providing for vocational placement
7 providers; and, in workers' compensation judges, further
8 providing for the Office of Adjudication.

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

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

16 Amend Bill, page 2, by inserting between lines 2 and 3

17 (a.2) * * *

18 (6) Upon request of the insurer, the employe shall submit to
19 an independent medical examination in accordance with the
20 provisions of section 314 to determine the status of impairment:
21 Provided, however, That for purposes of this clause, the employe
22 shall not be required to submit to more than [two] one
23 independent medical [examinations] examination under this clause
24 during a twelve-month period.

25 * * *

26 Amend Bill, page 7, line 16, by striking out "Section" where
27 it occurs the second time and inserting

28 Sections 314 and

29 Amend Bill, page 7, line 16, by striking out "is" and

1 inserting

2 are

3 Amend Bill, page 7, by inserting between lines 16 and 17

4 Section 314. (a) At any time after an injury the employe,
5 if so requested by his employer, must submit himself at some
6 reasonable time and place for a physical examination or expert
7 interview by an appropriate health care provider assigned by the
8 department from a pool of health care providers or other
9 expert[,] who shall be selected [and paid for] by the employer.
10 The employer shall be required to pay for the services of the
11 health care provider or other expert. If the employe shall
12 refuse upon the request of the employer, to submit to the
13 examination or expert interview by the health care provider or
14 other expert [selected by the employer], a workers' compensation
15 judge assigned by the department may, upon petition of the
16 employer, order the employe to submit to such examination or
17 expert interview at a time and place set by the workers'
18 compensation judge and by the health care provider assigned by
19 the department or other expert selected and paid for by the
20 employer [or by a health care provider or other expert
21 designated by the workers' compensation judge and paid for by
22 the employer]. The workers' compensation judge may at any time
23 after such first examination or expert interview, upon petition
24 of the employer, order the employe to submit himself to such
25 further physical examinations or expert interviews as the
26 workers' compensation judge shall deem reasonable and necessary,
27 at such times and places and by such health care provider or
28 other expert as the workers' compensation judge may designate;
29 and in such case, the employer shall pay the fees and expenses
30 of the examining health care provider or other expert, and the
31 reasonable traveling expenses and loss of wages incurred by the
32 employe in order to submit himself to such examination or expert
33 interview. The refusal or neglect, without reasonable cause or
34 excuse, of the employe to submit to such examination or expert
35 interview ordered by the workers' compensation judge, either
36 before or after an agreement or award, shall deprive him of the
37 right to compensation, under this article, during the
38 continuance of such refusal or neglect, and the period of such
39 neglect or refusal shall be deducted from the period during
40 which compensation would otherwise be payable.

41 (b) In the case of a physical examination, the employe shall
42 be entitled to have a health care provider of his own selection,
43 to be paid by him, participate in such examination requested by
44 his employer or ordered by the workers' compensation judge. In
45 instances where an examination is requested in relation to
46 section 306(a.2)(1), such examination shall be performed by a
47 physician who is licensed in this Commonwealth, who is certified
48 by an American Board of Medical Specialties approved board or

1 its osteopathic equivalent and who is in active clinical
2 practice for at least twenty (20) hours per week.

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

4 Section 3. The act is amended by adding a section to read:

5 Section 501.1. (a) A vocational placement firm and employer
6 that provides job placement services or hires an individual
7 receiving benefits under this act under which all or part of the
8 wages for the individual is funded employment shall meet the
9 following requirements:

10 (1) The firm and employer shall register with the department
11 on a form provided by the department.

12 (2) The firm and employer shall provide an annual report to
13 the department including the following:

14 (i) The number of employes provided funded employment.

15 (ii) The time periods during which individuals worked at
16 funded employment positions.

17 (iii) The wages paid to funded employes.

18 (iv) The benefits paid to funded employes.

19 (v) The number of employes who were disciplined or otherwise
20 sanctioned for any reason.

21 (vi) The number of employes whose funded employment was
22 terminated for any reason.

23 (vii) Whether terminated employes had their wage loss
24 benefits reinstated after the termination of employment.

25 (viii) The total amount paid by an insurer or workers'
26 compensation employer of the employe to the funded employer or
27 vocational placement firm.

28 (ix) The amount, if any, of fees paid by funded employers to
29 vocational placement firms or from vocational placement firms to
30 funded employers.

31 (x) The number of employes of funded employers that were
32 placed in nonfunded employment positions during the year.

33 (3) An employer who hires an individual receiving
34 compensation under this act shall provide the equipment and
35 supplies necessary for the employe to adequately perform his
36 duties.

37 (4) An employer shall provide full disclosure of funded
38 employment arrangements to the employe.

39 (b) Notwithstanding any other provision of this act and
40 absent any showing of wilful misconduct engaged in by an
41 employe, it is presumed that an employe whose employment has
42 been terminated under a funded employment arrangement by the
43 employer is entitled to continued receipt of benefits under this
44 act.

45 (c) For purposes of this section, "funded employment" shall
46 mean employment for which wages and benefits are entirely or
47 partially funded by an insurer or employer of a worker receiving
48 compensation under this act.

49 Section 4. Section 1401 of the act is amended to read:

1 Section 1401. (a) There is created within the department an
2 office to be known as the Office of Adjudication.

3 (b) The secretary shall appoint as many qualified and
4 competent workers' compensation judges as necessary to conduct
5 matters under this act.

6 (c) The secretary shall set normal working hours for
7 workers' compensation judges. During those hours, workers'
8 compensation judges shall devote full time to their official
9 duties and shall perform no work inconsistent with their duties
10 as workers' compensation judges. Workers' compensation judges
11 shall not engage in any unapproved activities during normal
12 working hours.

13 (d) Workers' compensation judges shall be afforded
14 employment security as provided by the act of August 5, 1941
15 (P.L.752, No.286), known as the "Civil Service Act."

16 (e) Compensation for workers' compensation judges shall be
17 established by the Executive Board.

18 (f) The secretary shall develop and require all workers'
19 compensation judges to complete a course of training and
20 instruction in the duties of their respective offices and pass
21 an examination prior to assuming office. The course of training
22 and instruction shall not exceed four weeks in duration and
23 shall consist of a minimum of forty hours of class instruction
24 in medicine and law.

25 (g) The secretary shall develop a continuing professional
26 development plan for workers' compensation judges which shall
27 require the annual completion of twenty hours of approved
28 continuing professional development courses.

29 (h) The secretary may adopt additional rules to establish
30 standards and procedures for the evaluation, training, promotion
31 and discipline of workers' compensation judges.

32 (i) The department shall promulgate regulations to address
33 complaints filed with the department concerning a workers'
34 compensation judge.

35 Amend Bill, page 8, line 18, by striking out "3" and
36 inserting

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38 Amend Bill, page 8, line 22, by striking out "4" and
39 inserting

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