

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE GERGELY

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

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

8 Amend Bill, page 2, line 3, by striking out "* * *" and
9 inserting

10 (1) (i) The employer shall provide payment in accordance
11 with this section for reasonable surgical and medical services,
12 services rendered by physicians or other health care providers,
13 including an additional opinion when invasive surgery may be
14 necessary, medicines and supplies, as and when needed. Provided
15 an employer establishes a list of at least six designated health
16 care providers, no more than four of whom may be a coordinated
17 care organization and no fewer than three of whom shall be
18 physicians, the employe shall be required to visit one of the
19 physicians or other health care providers so designated and
20 shall continue to visit the same or another designated physician
21 or health care provider for a period of ninety (90) days from
22 the date of the first visit: Provided, however, That the
23 employer shall not include on the list a physician or other
24 health care provider who is employed, owned or controlled by the
25 employer or the employer's insurer unless employment, ownership
26 or control is disclosed on the list. Should invasive surgery for
27 an employe be prescribed by a physician or other health care
28 provider so designated by the employer, the employe shall be
29 permitted to receive an additional opinion from any health care
30 provider of the employe's own choice. If the additional opinion
31 differs from the opinion provided by the physician or health
32 care provider so designated by the employer, the employe shall
33 determine which course of treatment to follow: Provided, That
34 the second opinion provides a specific and detailed course of
35 treatment. If the employe chooses to follow the procedures
36 designated in the second opinion, such procedures shall be

1 performed by one of the physicians or other health care
2 providers so designated by the employer for a period of ninety
3 (90) days from the date of the visit to the physician or other
4 health care provider of the employe's own choice. Should the
5 employe not comply with the foregoing, the employer will be
6 relieved from liability for the payment for the services
7 rendered during such applicable period. It shall be the duty of
8 the employer to provide a clearly written notification of the
9 employe's rights and duties under this section to the employe.
10 The employer shall further ensure that the employe has been
11 informed and that he understands these rights and duties. This
12 duty shall be evidenced only by the employe's written
13 acknowledgment of having been informed and having understood his
14 rights and duties. Any failure of the employer to provide and
15 evidence such notification shall relieve the employe from any
16 notification duty owed, notwithstanding any provision of this
17 act to the contrary, and the employer shall remain liable for
18 all rendered treatment. Subsequent treatment may be provided by
19 any health care provider of the employe's own choice. Any
20 employe who, next following termination of the applicable
21 period, is provided treatment from a nondesignated health care
22 provider shall notify the employer within five (5) days of the
23 first visit to said health care provider. Failure to so notify
24 the employer will relieve the employer from liability for the
25 payment for the services rendered prior to appropriate notice if
26 such services are determined pursuant to paragraph (6) to have
27 been unreasonable or unnecessary.

28 (ii) In addition to the above service, the employer shall
29 provide payment for medicines and supplies, including abuse-
30 deterrent opioid analgesic drug products, hospital treatment,
31 services and supplies and orthopedic appliances, and prostheses
32 in accordance with this section. The employer shall not require
33 an employe to use an opioid analgesic drug product before
34 providing for an abuse-deterrent opioid analgesic drug product.
35 Whenever an employe shall have suffered the loss of a limb, part
36 of a limb, or an eye, the employer shall also provide for an
37 artificial limb or eye or other prostheses of a type and kind
38 recommended by the doctor attending such employe in connection
39 with such injury and any replacements for an artificial limb or
40 eye which the employe may require at any time thereafter,
41 together with such continued medical care as may be prescribed
42 by the doctor attending such employe in connection with such
43 injury as well as such training as may be required in the proper
44 use of such prostheses. The provisions of this section shall
45 apply to injuries whether or not loss of earning power occurs.
46 If hospital confinement is required, the employe shall be
47 entitled to semiprivate accommodations, but, if no such
48 facilities are available, regardless of the patient's condition,
49 the employer, not the patient, shall be liable for the
50 additional costs for the facilities in a private room.

51 (iii) Nothing in this section shall prohibit an insurer or

1 an employer from contracting with any individual, partnership,
2 association or corporation to provide case management and
3 coordination of services with regard to injured employees.

4 (iv) For purposes of this paragraph, the term "abuse-
5 deterrent opioid analgesic drug product" shall mean a brand or
6 generic opioid analgesic drug product approved by the United
7 States Food and Drug Administration as an abuse-deterrent opioid
8 with abuse-deterrence labeling claims indicating its abuse-
9 deterrent properties are expected to deter or reduce its abuse.
10 The term "opioid analgesic drug product" shall mean a drug
11 product that contains an opioid agonist and is designated by the
12 United States Food and Drug Administration for the treatment of
13 pain, whether or not the drug product is in an immediate-release
14 or extended-release formulation or contains other drug
15 substances.

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