

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 188*

Short Title: Workers' Comp./Physician Selection.

(Public)

Sponsors: Representatives Fitch, Barnes, Cunningham, H. Hunter, McLaughlin; Luebke, Warner, Bowman, Kuczmariski, Colton, and Stamey.

Referred to: Judiciary III.

February 18, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW INJURED EMPLOYEES TO SELECT OR CHANGE
TREATING PHYSICIANS IN WORKERS' COMPENSATION CASES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 97-25 reads as rewritten:

"§ 97-25. Medical treatment and supplies.

Medical compensation shall be provided by the employer. In case of a controversy arising between the employer and employee relative to the continuance of medical, surgical, hospital, or other treatment, the Industrial Commission may order such further treatments as may in the discretion of the Commission be necessary.

The Commission may at any time upon the request of an employee order a change of treatment and designate other treatment suggested by the injured employee subject to the approval of the Commission, and in such a case the expense thereof shall be borne by the employer upon the same terms and conditions as hereinbefore provided in this section for medical and surgical treatment and attendance.

The refusal of the employee to accept any medical, hospital, surgical or other treatment or rehabilitative procedure when ordered by the Industrial Commission shall bar said employee from further compensation until such refusal ceases, and no compensation shall at any time be paid for the period of suspension unless in the opinion of the Industrial Commission the circumstances justified the refusal, in which case, the Industrial Commission may order a change in the medical or hospital service.

If in an emergency on account of the employer's failure to provide the medical or other care as herein specified a physician other than provided by the employer is called

1 to treat the injured employee, the reasonable cost of such service shall be paid by the
2 employer if so ordered by the Industrial Commission.

3 Provided, however, if he so desires, an injured employee who is dissatisfied with an
4 employer provided physician may select a physician of his own choosing a single time.
5 Second and subsequent changes of physicians shall be subject to the approval of the
6 Industrial Commission. ~~to attend, prescribe and assume the care and charge of his case,~~
7 ~~subject to the approval of the Industrial Commission."~~

8 Sec. 2. This act is effective upon ratification and applies to workers'
9 compensation cases pending or filed on or after that date.