

1 RECD FEB 14 1983

SENATE FILE 244

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS  
*Approved 2/14 (p. 424)*

Passed Senate, Date 4-11-83 (p. 1174) Passed House, Date \_\_\_\_\_  
Vote: Ayes 41 Nays 3 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the care given under workers' compensation  
2 medical benefits.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4

SENATE FILE 244

S-3481

1 Amend the amendment S-3462 to Senate File 244 as  
2 follows:  
3 1. Page 1, line 27, by striking the words "from  
4 the panel".

S-3481 FILED & ADOPTED  
APRIL 11, 1983 (p. 1174)

BY ARTHUR A. SMALL, JR.  
RICHARD F. DRAKE  
TED ANDERSON

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1 Section 1. Section 85.27, unnumbered paragraph 4, Code  
2 1983, is amended to read as follows:

3 For purposes of this section, the employer ~~is-obliged-to~~  
4 shall furnish reasonable services and supplies to treat an  
5 injured employee, and ~~has-the-right-to~~ may choose the provider  
6 of the care for the first ten calendar days after the date  
7 of actual knowledge or notice of the occurrence of the injury  
8 or until the employee is released from the care of the provider  
9 chosen by the employer, whichever occurs first. The treatment  
10 must be offered promptly and be reasonably suited to treat  
11 the injury without undue inconvenience to the employee. If  
12 the employee ~~has-reason-to-be~~ is dissatisfied with the care  
13 ~~offered~~ provided, the employee may choose alternative care  
14 from another provider, at the employer's expense, after the  
15 expiration of the ten calendar days or after the release from  
16 care, whichever occurs first. If the employer is dissatisfied  
17 with the employee's choice of care, he-should the employer  
18 shall communicate the basis of ~~such~~ the dissatisfaction to  
19 the ~~employer~~ employee, in-writing-if-requested, following  
20 which the employer and the employee may agree to ~~alternate~~  
21 other care reasonably suited to treat the injury. If the  
22 employer and employee cannot agree on such ~~alternate~~ other  
23 care, ~~the-commissioner-may,-upon-application-and-reasonable~~  
24 ~~proofs-of-the-necessity-therefor,-allow-and-order-ether-care~~  
25 the employer may file a proceeding with the industrial  
26 commissioner contesting the employee's choice of care. During  
27 the pendency of the proceeding, the employee's choice of care  
28 prevails and the employer shall pay for the care. In an  
29 emergency, the employee may choose ~~his~~ the care at the  
30 employer's expense, provided the employer or ~~his~~ the employer's  
31 agent cannot be reached immediately.

32 Sec. 2. Section 86.38, Code 1983, is amended to read as  
33 follows:

34 86.38 EXAMINATION BY PHYSICIAN--FEE. The industrial  
35 commissioner may appoint a duly qualified, impartial physician

1 to examine the injured employee and make a report. The fee  
2 ~~for this service shall be five dollars, to be paid by the~~  
3 ~~industrial commissioner, together with traveling expenses,~~  
4 ~~but the commissioner may allow additional reasonable amounts~~  
5 ~~in extraordinary cases.~~ Any A physician so examining any  
6 an injured employee shall not be prohibited from testifying  
7 before the industrial commissioner, or ~~any other~~ another  
8 person, commission, or court, as to the results of ~~his~~ the  
9 physician's examination or the condition of the injured  
10 employee. The fee for services under this section shall be  
11 taxed as costs pursuant to section 86.40.

12 EXPLANATION

13 This bill allows an employer to choose the employee's  
14 medical care for a job-related injury during the first ten  
15 calendar days after the injury or until released from care,  
16 whichever occurs first. After that period of time, the em-  
17 ployee may choose alternative care at the employer's expense.  
18 If the employer objects to the employee's choice of care,  
19 the employer must notify the employee of the objection, and  
20 the employer and employee may agree to other care. If they  
21 cannot agree on other care, the employer may begin a contested  
22 case proceeding with the industrial commissioner. During  
23 the pendency of the case, the employee's choice of care  
24 prevails.

25 The bill also allows the fees of an impartial physician  
26 appointed by the industrial commissioner to examine an injured  
27 employee, to be taxed as costs by the industrial commissioner.

28 The bill takes effect July 1 following enactment.

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S-3462

1 Amend Senate File 244 as follows:

2 1. Page 1, by striking lines 1 through 31 and  
3 inserting in lieu thereof the following:  
4 "Section 1. Section 85.27, unnumbered paragraph  
5 4, Code 1983, is amended by striking the unnumbered  
6 paragraph and inserting in lieu thereof the following:

7 For purposes of this section, the employer shall  
8 select and maintain a panel of physicians who are  
9 not employees of the employer and who are reasonably  
10 accessible to the employees of the employer. The  
11 panel selected and maintained by an employer with  
12 three hundred or fewer employees per site shall contain  
13 at least three physicians and the panel selected and  
14 maintained by an employer with more than three hundred  
15 employees per site shall contain at least seven phy-  
16 sicians. The employer shall post the list of the  
17 physicians on the panel in a place accessible to the  
18 employees.

19 An employee may accept the services of a physician  
20 selected by the employer or may select a physician  
21 from the employer's panel of physicians. The employee  
22 may choose an alternative physician from the panel  
23 if the employee is not satisfied with the physician  
24 first selected. In an emergency, the employee may  
25 choose a physician at the employer's expense, provided  
26 the employer or the employer's agent cannot be reached  
27 immediately. The physician selected from the panel  
28 may arrange for a consultation, referral, extraordinary  
29 or other specialized medical services as the nature  
30 of the injury requires. The employer is not  
31 responsible for the charges for medical services  
32 furnished or ordered by a physician or other person  
33 selected by the employee in disregard of the provisions  
34 of this paragraph and is not responsible for  
35 compensation for an aggravation of the employee's  
36 injury attributable to improper medical services by  
37 the physician or other person.

38 The industrial commissioner may order necessary  
39 changes in an employer's panel of physicians if the  
40 commissioner finds that the panel fails to contain  
41 a sufficient number of physicians who are conveniently  
42 available to or in the community in which medical  
43 services are required and who are qualified to perform  
44 the medical services necessary to meet the particular  
45 needs of the employer's employees. The commissioner  
46 may suspend or remove a physician from a panel of  
47 physicians under rules adopted by the commissioner  
48 pursuant to chapter 17A.

49 If an employer has knowledge of an injury to an  
50 employee and the necessity for medical services, but

S-3462

PAGE 2

1 fails to maintain a panel of physicians or fails to  
2 permit the injured employee to choose a physician  
3 from the panel, the employee may select a physician  
4 to provide medical services at the expense of the  
5 employer. A claim for such medical services shall  
6 not be valid or enforceable against the employer  
7 unless the physician providing the services furnishes  
8 a report of the injury and services to the employer  
9 within ten days following the first services provided  
10 by the physician. However, the commissioner, in the  
11 interests of justice, may excuse the failure to furnish  
12 the report within the ten days and may, upon applica-  
13 tion of a party in interest, award the reasonable  
14 value of the medical services provided to the  
15 employee."

S-3462 FILED  
APRIL 7, 1983

*Adopted as amended by 3451  
4/11/83 (p. 1174)*

BY TED ANDERSON      ART SMALL, JR.  
RICHARD DRAKE      LOWELL JUNKINS  
CALVIN HULTMAN      BASS VAN GILST

SENATE FILE 244

S-3114

1 Amend Senate File 244 as follows:  
2 1. Page 1, by striking lines 13 through 16, and  
3 inserting in lieu thereof the words "ffered provided  
4 after the expiration of the ten calendar days or after  
5 the release from care, whichever occurs first, the  
6 employee may obtain an opinion on the suitability  
7 of the care, at the employer's expense, from another  
8 provider mutually agreed upon by the employer and  
9 the employee. If the employee remains dissatisfied  
10 with the employer's choice of care after obtaining  
11 the opinion, the employee may choose alternative care  
12 from another provider at the employer's expense.  
13 If the employer is dissatisfied".

S-3114 FILED  
FEBRUARY 21, 1983

*Boiled out of order 4/11 (p. 1174)*

BY CALVIN O. HULTMAN

SENATE FILE 244

S-3471

1 Amend the amendment S-3462 to Senate File 244 as  
2 follows:  
3 1. Page 1, line 27, by striking the words "selected  
4 from the panel".

S-3471 FILED  
APRIL 8, 1983  
*4/15 4/11 (p. 1173)*

BY ARTHUR A. SMALL, JR.

Senate File 244

Labor and Industrial Relations: Connors, Chair; Schneckloth and Sherzan.

SENATE FILE

244

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

(AS AMENDED AND PASSED BY THE SENATE, APRIL 11, 1983)

Passed Senate, Date 4-17-84 (p. 1582) Passed House, Date 4-13-84 (p. 1985)

Vote: Ayes 28 Nays 20 Vote: Ayes 51 Nays 45

Approved Voted May 19, 1984

3 Motions to reconsider (p. 1590) ruled 4/19 1 lost (p. 1601) Repassed House 4-28-84 (p. 2404) 55-42

A BILL FOR

5799 An Act relating to the care given under workers' compensation medical benefits.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4  
5

SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE FILE 244

H-6454

1 Amend House amendment S-5907 to Senate File 244 as  
2 amended, passed and reprinted by the Senate as follows:  
3 1. Page 1, line 10, by striking the words "the care"  
4 and inserting in lieu thereof the words "the a physician  
5 licensed under chapter 148 or 150A to provide medical  
6 care. The physician may arrange a consultation, referral,  
7 or extraordinary or other specialized care as the nature  
8 of the injury requires".

H-6454 FILED APRIL 19, 1984

RECEIVED FROM THE SENATE

House passed 4/20 (p. 2403)

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5984  
5794

5794 amended

1 Section 1. Section 85.27, unnumbered paragraph 4, Code  
2 1983, is amended by striking the unnumbered paragraph and  
3 inserting in lieu thereof the following:

4 For purposes of this section, the employer shall select  
5 and maintain a panel of physicians who are not employees of  
6 the employer and who are reasonably accessible to the employees  
7 of the employer. The panel selected and maintained by an  
8 employer with three hundred or fewer employees per site shall  
9 contain at least three physicians and the panel selected and  
10 maintained by an employer with more than three hundred  
11 employees per site shall contain at least seven physicians.  
12 The employer shall post the list of the physicians on the  
13 panel in a place accessible to the employees.

14 An employee may accept the services of a physician selected  
15 by the employer or may select a physician from the employer's  
16 panel of physicians. The employee may choose an alternative  
17 physician from the panel if the employee is not satisfied  
18 with the physician first selected. In an emergency, the  
19 employee may choose a physician at the employer's expense,  
20 provided the employer or the employer's agent cannot be reached  
21 immediately. The physician selected may arrange for a  
22 consultation, referral, extraordinary or other specialized  
23 medical services as the nature of the injury requires. The  
24 employer is not responsible for the charges for medical  
25 services furnished or ordered by a physician or other person  
26 selected by the employee in disregard of the provisions of  
27 this paragraph and is not responsible for compensation for  
28 an aggravation of the employee's injury attributable to  
29 improper medical services by the physician or other person.

30 The industrial commissioner may order necessary changes  
31 in an employer's panel of physicians if the commissioner finds  
32 that the panel fails to contain a sufficient number of  
33 physicians who are conveniently available to or in the  
34 community in which medical services are required and who are  
35 qualified to perform the medical services necessary to meet

1 the particular needs of the employer's employees. The  
2 commissioner may suspend or remove a physician from a panel  
3 of physicians under rules adopted by the commissioner pursuant  
4 to chapter 17A.

5 If an employer has knowledge of an injury to an employee  
6 and the necessity for medical services, but fails to maintain  
7 a panel of physicians or fails to permit the injured employee  
8 to choose a physician from the panel, the employee may select  
9 a physician to provide medical services at the expense of  
10 the employer. A claim for such medical services shall not  
11 be valid or enforceable against the employer unless the  
12 physician providing the services furnishes a report of the  
13 injury and services to the employer within ten days following  
14 the first services provided by the physician. However, the  
15 commissioner, in the interests of justice, may excuse the  
16 failure to furnish the report within the ten days and may,  
17 upon application of a party in interest, award the reasonable  
18 value of the medical services provided to the employee.

19 Sec. 2. Section 86.38, Code 1983, is amended to read as  
20 follows:

21 86.38 EXAMINATION BY PHYSICIAN--FEE. The industrial  
22 commissioner may appoint a duly qualified, impartial physician  
23 to examine the injured employee and make a report. ~~The fee~~  
24 ~~for this service shall be five dollars, to be paid by the~~  
25 ~~industrial commissioner, together with traveling expenses,~~  
26 ~~but the commissioner may allow additional reasonable amounts~~  
27 ~~in extraordinary cases.~~ Any A physician so examining any an  
28 injured employee shall not be prohibited from testifying  
29 before the industrial commissioner, or any other another  
30 person, commission, or court, as to the results of his the  
31 physician's examination or the condition of the injured  
32 employee. The fee for services under this section shall be  
33 taxed as costs pursuant to section 86.40.

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## SENATE FILE 244

-5798

1 Amend Senate File 244 as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section 85.27, unnumbered paragraph  
6 4, Code 1983, is amended by striking the unnumbered  
7 paragraph and inserting in lieu thereof the following:

8 For purposes of this section, the employer shall  
9 select and maintain a panel of physicians who are  
10 not employees of the employer and who are reasonably  
11 accessible to the employees of the employer. The  
12 panel selected and maintained by an employer with  
13 three hundred or fewer employees per site shall contain  
14 at least three physicians and the panel selected and  
15 maintained by an employer with more than three hundred  
16 employees per site shall contain at least seven  
17 physicians. The employer shall post the list of the  
18 physicians on the panel in a place accessible to the  
19 employees.

20 An employee may accept the services of a physician  
21 selected by the employer or may select a physician  
22 from the employer's panel of physicians. The employee  
23 may choose an alternative physician from the panel  
24 if the employee is not satisfied with the physician  
25 first selected. In an emergency, the employee may  
26 choose a physician at the employer's expense, provided  
27 the employer or the employer's agent cannot be reached  
28 immediately. The physician selected may arrange for  
29 a consultation, referral, extraordinary or other  
30 specialized medical services as the nature of the  
31 injury requires. The employer is not responsible  
32 for the charges for medical services furnished or  
33 ordered by a physician or other person selected by  
34 the employee in disregard of the provisions of this  
35 paragraph and is not responsible for compensation  
36 for an aggravation of the employee's injury  
37 attributable to improper medical services by the  
38 physician or other person.

39 The industrial commissioner may order necessary  
40 changes in an employer's panel of physicians if the  
41 commissioner finds that the panel fails to contain  
42 a sufficient number of physicians who are conveniently  
43 available to or in the community in which medical  
44 services are required and who are qualified to perform  
45 the medical services necessary to meet the particular  
46 needs of the employer's employees. The commissioner  
47 may suspend or remove a physician from a panel of  
48 physicians under rules adopted by the commissioner  
49 pursuant to chapter 17A.

50 An employer required under this section to select

1 and maintain a panel of three or seven physicians  
2 may apply to the industrial commissioner for a total  
3 or partial waiver of the panel requirement. The  
4 application for waiver shall state the reasons for  
5 the submission of the application and that the employer  
6 has attempted to select and maintain the required  
7 panel. A copy of the application for waiver shall  
8 be posted in a place accessible to the employer's  
9 employees. The industrial commissioner may deny the  
10 waiver or grant the employer a partial or total waiver  
11 of the panel requirement. A total or partial waiver  
12 shall only be granted if the employer can demonstrate  
13 that the community lacks a sufficient number of  
14 physicians to fulfill the panel requirement, who are  
15 located in or reasonably near the community in which  
16 the medical services are required and qualified to  
17 perform the medical services necessary to meet the  
18 needs of the employer's employees.

19 If an employer has knowledge of an injury to an  
20 employee and the necessity for medical services, and  
21 fails to maintain a panel of physicians and a waiver  
22 has not been granted, or fails to permit the injured  
23 employee to choose a physician from the panel, the  
24 employee may select a physician to provide medical  
25 services at the expense of the employer. A claim  
26 for the medical services shall not be valid or  
27 enforceable against the employer unless the physician  
28 providing the services furnishes a report of the  
29 injury and services to the employer within ten days  
30 following the first services provided by the physician.  
31 However, the commissioner, in the interests of justice,  
32 may excuse the failure to furnish the report within  
33 the ten days and may, upon application of a party  
34 in interest, award the reasonable value of the medical  
35 services provided to the employee.

36 Sec. 2. Section 86.38, Code 1983, is amended to  
37 read as follows:

38 86.38 EXAMINATION BY PHYSICIAN--FEE. The  
39 industrial commissioner may appoint a duly qualified,  
40 impartial physician to examine the injured employee  
41 and make a report. ~~The fee for this service shall~~  
42 ~~be five dollars, to be paid by the industrial~~  
43 ~~commissioner, together with traveling expenses, but~~  
44 ~~the commissioner may allow additional reasonable~~  
45 ~~amounts in extraordinary cases.--Any~~ A physician so  
46 examining ~~any~~ an injured employee shall not be  
47 prohibited from testifying before the industrial  
48 commissioner, or ~~any other~~ another person, commission,  
49 or court, as to the results of ~~his~~ the physician's  
50 examination or the condition of the injured employee.

Page 3

1 The fee for services under this section shall be taxed  
2 as costs pursuant to section 86.40.

3 Sec. 3. This Act applies to injuries incurred  
4 on or after July 1, 1984."

BY HALVORSON of Clayton  
BRANSTAD of Winnebago  
GRANDIA of Marion  
COREY of Louisa  
HANDORF of Marshall  
HERMANN of Scott  
HUMMEL of Benton  
SCHNEKLOTH of Scott

*Out of order 4/13 (p. 1985)*

SENATE FILE 244

H-5989

1 Amend Senate File 244, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:  
5 "Section 1. Section 85.27, unnumbered paragraph  
6 4, Code 1983, is amended by striking the unnumbered  
7 paragraph.

8 Sec. 2. Section 85.27, Code 1983, is amended by  
9 numbering the unnumbered paragraphs and by adding  
10 the following new subsections:

11 NEW SUBSECTION. The employer shall select and  
12 maintain a panel of physicians who are not employees  
13 of the employer and who are reasonably accessible  
14 to the employees of the employer. The panel selected  
15 and maintained by an employer with three hundred or  
16 fewer employees per site shall contain at least three  
17 physicians and the panel selected and maintained by  
18 an employer with more than three hundred employees  
19 per site shall contain at least seven physicians.

20 The employer shall post the list of the physicians  
21 on the panel in a place accessible to the employees.

22 a. An employer required to select and maintain  
23 a panel of physicians may apply to the industrial  
24 commissioner for a total or partial waiver of the  
25 panel requirement. The application for waiver shall  
26 state the reasons for the submission of the application  
27 and that the employer has attempted to select and  
28 maintain the required panel. A copy of the application  
29 for waiver shall be posted in a place accessible to  
30 the employer's employees. The industrial commissioner  
31 may deny the waiver or grant the employer a partial  
32 or total waiver of the panel requirement. However,  
33 a total or partial waiver to the panel requirement  
34 shall only be granted if the employer can demonstrate  
35 that the community lacks a sufficient number of  
36 physicians who are located in or reasonably near the  
37 community in which the medical services are required  
38 and who are qualified to perform the medical services  
39 necessary to meet the needs of the employer's  
40 employees.

41 b. The industrial commissioner may order necessary  
42 changes in an employer's panel of physicians if the  
43 commissioner finds that the panel fails to contain  
44 a sufficient number of physicians who are conveniently  
45 available to or in the community in which medical  
46 services are required and who are qualified to perform  
47 the medical services necessary to meet the particular  
48 needs of the employer's employees. The commissioner  
49 may suspend or remove a physician from a panel of  
50 physicians under rules adopted by the commissioner

H-5989

Page Two

1 pursuant to chapter 17A.

2 NEW SUBSECTION. An employee may accept the medical  
3 services of a physician selected by the employer or  
4 may select a physician from the employer's panel of  
5 physicians. The employee may select an alternative  
6 physician from the panel if the employee is not  
7 satisfied with the physician first selected.

8 a. In an emergency, the employee may choose a  
9 physician at the employer's expense, provided the  
10 employer or the employer's agent cannot be reached  
11 immediately.

12 b. The physician selected may arrange for a  
13 consultation, referral, extraordinary or other  
14 specialized medical services as the nature of the  
15 injury requires.

16 c. The employer is not responsible for the charges  
17 for medical services furnished or ordered by a  
18 physician or other person selected by the employee  
19 in disregard of the provisions of this subsection  
20 and the employer is not responsible for compensation  
21 for an aggravation of the employee's injury  
22 attributable to improper medical services by the  
23 physician or other person.

24 NEW SUBSECTION. If an employer required to select  
25 and maintain a panel of physicians has knowledge of  
26 an injury to an employee and the necessity for medical  
27 services, and fails to maintain a panel of physicians  
28 and a waiver has not been granted, or fails to permit  
29 the injured employee to select a physician from the  
30 panel, the employee may select a physician to provide  
31 medical services at the expense of the employer.  
32 A claim for the medical services shall not be valid  
33 or enforceable against the employer unless the  
34 physician providing the services furnishes a report  
35 of the injury and services to the employer within  
36 ten days following the first services provided by  
37 the physician. However, the commissioner, in the  
38 interests of justice, may excuse the failure to furnish  
39 the report within the ten days and may, upon  
40 application of a party in interest, award the  
41 reasonable value of the medical services provided  
42 to the employee.

43 Sec. 3. Section 86.38, Code 1983, is amended to  
44 read as follows:

45 86.38 EXAMINATION BY PHYSICIAN--FEE. The  
46 industrial commissioner may appoint a duly qualified,  
47 impartial physician to examine the injured employee  
48 and make a report. ~~The-fee-for-this-service-shall~~  
49 ~~be-five-dollars,-to-be-paid-by-the-industrial~~  
50 ~~commissioner,-together-with-traveling-expenses,-but~~

H-5989

Page Three

1 ~~the-commissioner-may-allow-additional-reasonable~~  
2 ~~amounts-in-extraordinary-cases---~~Any A physician so  
3 examining any an injured employee shall not be  
4 prohibited from testifying before the industrial  
5 commissioner, or ~~any-ether~~ another person, commission,  
6 or court, as to the results of ~~his~~ the physician's  
7 examination or the condition of the injured employee.  
8 The fee for services under this section shall be taxed  
9 as costs pursuant to section 86.40.  
10 Sec. 4. This Act applies to injuries incurred  
11 on or after July 1, 1984."

BY HALVORSON of Clayton  
BRANSTAD of Winnebago  
GRANDIA of Marion  
COREY of Louisa  
HANDORF of Marshall  
HERMANN of Scott  
HUMMEL of Benton  
SCHNEKLOTH of Scott

H-5989 FILED MARCH 29, 1984

*One of sides 4/13 (y. 1985)*

SENATE FILE 244

H-5799

1 Amend Senate File 244, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 85.27, unnumbered paragraph  
6 4, Code 1983, is amended to read as follows:

7 For purposes of this section, the employer ~~is~~  
8 ~~obliged to~~ shall furnish reasonable services and  
9 supplies to treat an injured employee, and has the  
10 right to the employee may choose the care. The  
11 ~~treatment must be offered promptly and be reasonably~~  
12 ~~suited to treat the injury without undue inconvenience~~  
13 ~~to the employee.~~ If the ~~employee~~ employer has reason  
14 to be dissatisfied with the care ~~offered given~~, he  
15 ~~should~~ the employer shall communicate in writing the  
16 basis of ~~such~~ the dissatisfaction to the employer,  
17 ~~in writing if requested~~ employee, following which  
18 the employer and the employee may agree to alternate  
19 care reasonably suited to treat the injury. If the  
20 employer and employee cannot agree on ~~such~~ alternate  
21 care, the commissioner may, upon application and  
22 reasonable proofs of the necessity therefor, allow  
23 and order other care. ~~In an emergency, the employee~~  
24 ~~may choose his care at the employer's expense, provided~~  
25 ~~the employer or his agent cannot be reached~~  
26 ~~immediately.~~

27 If the industrial commissioner disapproves a claim  
28 or a portion of a claim for benefits under this section  
29 because it did not meet the reasonable or necessary  
30 standards of this section, the employee shall reimburse  
31 the employer for the cost or that portion of the cost  
32 of the care which did not meet the reasonable or  
33 necessary standards."

34 2. Title page, by striking lines 1 and 2 and  
35 inserting in lieu thereof the words "An Act allowing  
36 employees to choose the care given under workers'  
37 compensation medical benefits."

BY COMMITTEE ON LABOR AND  
INDUSTRIAL RELATIONS

H-5799 FILED MARCH 23, 1984

*Adopted 4/13 (p. 1985)*

SENATE FILE 244

H-6076

1 Amend amendment H-5799 to Senate File 244, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 3 through 37 and  
5 inserting in lieu thereof the following:

6 "1. By striking everything after the enacting  
7 clause and inserting in lieu thereof the following:

8 "Section 1. Section 85.27, unnumbered paragraph  
9 4, Code 1983, is amended by striking the unnumbered  
10 paragraph.

11 Sec. 2. Section 85.27, Code 1983, is amended by  
12 numbering the unnumbered paragraphs and by adding  
13 the following new subsections:

14 NEW SUBSECTION. The employer shall select and  
15 maintain a panel of physicians who are not employees  
16 of the employer and who are reasonably accessible  
17 to the employees of the employer. The panel selected  
18 and maintained by an employer with three hundred or  
19 fewer employees per site shall contain at least three  
20 physicians and the panel selected and maintained by  
21 an employer with more than three hundred employees  
22 per site shall contain at least seven physicians.  
23 The employer shall post the list of the physicians  
24 on the panel in a place accessible to the employees.

25 a. An employer required to select and maintain  
26 a panel of physicians may apply to the industrial  
27 commissioner for a total or partial waiver of the  
28 panel requirement. The application for waiver shall  
29 state the reasons for the submission of the application  
30 and that the employer has attempted to select and  
31 maintain the required panel. A copy of the application  
32 for waiver shall be posted in a place accessible to  
33 the employer's employees. The industrial commissioner  
34 may deny the waiver or grant the employer a partial  
35 or total waiver of the panel requirement. However,  
36 a total or partial waiver to the panel requirement  
37 shall only be granted if the employer can demonstrate  
38 that the community lacks a sufficient number of  
39 physicians who are located in or reasonably near the  
40 community in which the medical services are required  
41 and who are qualified to perform the medical services  
42 necessary to meet the needs of the employer's  
43 employees.

44 b. The industrial commissioner may order necessary  
45 changes in an employer's panel of physicians if the  
46 commissioner finds that the panel fails to contain  
47 a sufficient number of physicians who are conveniently  
48 available to or in the community in which medical  
49 services are required and who are qualified to perform  
50 the medical services necessary to meet the particular

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1 needs of the employer's employees. The commissioner  
2 may suspend or remove a physician from a panel of  
3 physicians under rules adopted by the commissioner  
4 pursuant to chapter 17A.

5 NEW SUBSECTION. An employee may accept the medical  
6 services of a physician selected by the employer or  
7 may select a physician from the employer's panel of  
8 physicians. The employee may select an alternative  
9 physician from the panel if the employee is not  
10 satisfied with the physician first selected.

11 a. In an emergency, the employee may choose a  
12 physician at the employer's expense, provided the  
13 employer or the employer's agent cannot be reached  
14 immediately.

15 b. The physician selected may arrange for a  
16 consultation, referral, extraordinary or other  
17 specialized medical services as the nature of the  
18 injury requires.

19 c. The employer is not responsible for the charges  
20 for medical services furnished or ordered by a  
21 physician or other person selected by the employee  
22 in disregard of the provisions of this subsection  
23 and the employer is not responsible for compensation  
24 for an aggravation of the employee's injury  
25 attributable to improper medical services by the  
26 physician or other person.

27 NEW SUBSECTION. If an employer required to select  
28 and maintain a panel of physicians has knowledge of  
29 an injury to an employee and the necessity for medical  
30 services, and fails to maintain a panel of physicians  
31 and a waiver has not been granted, or fails to permit  
32 the injured employee to select a physician from the  
33 panel, the employee may select a physician to provide  
34 medical services at the expense of the employer.  
35 A claim for the medical services shall not be valid  
36 or enforceable against the employer unless the  
37 physician providing the services furnishes a report  
38 of the injury and services to the employer within  
39 ten days following the first services provided by  
40 the physician. However, the commissioner, in the  
41 interests of justice, may excuse the failure to furnish  
42 the report within the ten days and may, upon  
43 application of a party in interest, award the  
44 reasonable value of the medical services provided  
45 to the employee.

46 Sec. 3. Section 86.38, Code 1983, is amended to  
47 read as follows:

48 86.38 EXAMINATION BY PHYSICIAN--FEE. The  
49 industrial commissioner may appoint a duly qualified,  
50 impartial physician to examine the injured employee

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1 and make a report. ~~The fee for this service shall~~  
2 ~~be five dollars, to be paid by the industrial~~  
3 ~~commissioner, together with traveling expenses, but~~  
4 ~~the commissioner may allow additional reasonable~~  
5 ~~amounts in extraordinary cases.~~ ---Any A physician so  
6 examining any an injured employee shall not be  
7 prohibited from testifying before the industrial  
8 commissioner, or ~~any other~~ another person, commission,  
9 or court, as to the results of ~~his~~ the physician's  
10 examination or the condition of the injured employee.  
11 The fee for services under this section shall be taxed  
12 as costs pursuant to section 86.40.  
13 Sec. 4. This Act applies to injuries incurred  
14 on or after July 1, 1984." "

BY HALVORSON of Clayton  
BRANSTAD of Winnebago  
GRANDIA of Marion  
COREY of Louisa  
HANDORF of Marshall  
HERMANN of Scott  
HUMMEL of Benton  
SCHNEKLOTH of Scott

H-6076 FILED APRIL 3, 1984

*File 4/13 (p 1981)*

SENATE FILE 244

H-6270

1 Amend Senate File 244, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 85.27, unnumbered paragraph  
6 4, Code 1983, is amended by striking the unnumbered  
7 paragraph.

8 Sec. 2. Section 85.27, Code 1983, is amended by  
9 numbering the unnumbered paragraphs and by adding  
10 the following new subsections:

11 NEW SUBSECTION. Unless an employer allows employees  
12 to select their own physicians to provide medical  
13 services covered under this section, the employer  
14 shall select and maintain a panel of physicians who  
15 are not employees of the employer and who are  
16 reasonably accessible to the employees of the employer.  
17 The panel selected and maintained by an employer with  
18 three hundred or fewer employees per site shall contain  
19 at least three physicians and the panel selected and  
20 maintained by an employer with more than three hundred  
21 employees per site shall contain at least seven  
22 physicians. The employer shall post the list of the  
23 physicians on the panel in a place accessible to the  
24 employees.

25 a. An employer required to select and maintain  
26 a panel of physicians may apply to the industrial  
27 commissioner for a total or partial waiver of the  
28 panel requirement. The application for waiver shall  
29 state the reasons for the submission of the application  
30 and that the employer has attempted to select and  
31 maintain the required panel. A copy of the application  
32 for waiver shall be posted in a place accessible to  
33 the employer's employees. The industrial commissioner  
34 may deny the waiver or grant the employer a partial  
35 or total waiver of the panel requirement. However,  
36 a total or partial waiver to the panel requirement  
37 shall only be granted if the employer can demonstrate  
38 that the community lacks a sufficient number of  
39 physicians who are located in or reasonably near the  
40 community in which the medical services are required  
41 and who are qualified to perform the medical services  
42 necessary to meet the needs of the employer's  
43 employees.

44 b. The industrial commissioner may order necessary  
45 changes in an employer's panel of physicians if the  
46 commissioner finds that the panel fails to contain  
47 a sufficient number of physicians who are conveniently  
48 available to or in the community in which medical  
49 services are required and who are qualified to perform  
50 the medical services necessary to meet the particular

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1 needs of the employer's employees. The commissioner  
2 may suspend or remove a physician from a panel of  
3 physicians under rules adopted by the commissioner  
4 pursuant to chapter 17A.

5 NEW SUBSECTION. An employee may accept the medical  
6 services of a physician selected by the employer or  
7 may select a physician from the employer's panel of  
8 physicians. If the employee, after the expiration  
9 of ten calendar days from the first receipt of medical  
10 services, is dissatisfied with the physician selected  
11 by the employer or from the employer's panel, the  
12 employee may select the employee's own physician.  
13 If the employer is dissatisfied with the employee's  
14 selection of the employee's own physician, the employer  
15 may file a proceeding with the industrial commissioner  
16 contesting the employee's selection. The commissioner,  
17 within ten days of the filing of the proceeding, shall  
18 order the provision of medical services by an  
19 appropriate physician.

20 a. In an emergency, the employee may select a  
21 physician at the employer's expense, provided the  
22 employer or the employer's agent cannot be reached  
23 immediately.

24 b. The physician selected may arrange for a  
25 consultation, referral, extraordinary or other  
26 specialized medical services as the nature of the  
27 injury requires.

28 c. The employer is not responsible for the charges  
29 for medical services furnished or ordered by a  
30 physician or other person selected by the employee  
31 in disregard of the provisions of this subsection  
32 and the employer is not responsible for compensation  
33 for an aggravation of the employee's injury  
34 attributable to improper medical services by the  
35 physician or other person.

36 NEW SUBSECTION. If an employer required to select  
37 and maintain a panel of physicians has knowledge of  
38 an injury to an employee and the necessity for medical  
39 services, and fails to maintain a panel of physicians  
40 and a waiver has not been granted, or fails to permit  
41 the injured employee to select a physician from the  
42 panel, the employee may immediately select a physician  
43 to provide medical services at the expense of the  
44 employer.

45 Sec. 3. Section 86.38, Code 1983, is amended to  
46 read as follows:

47 86.38 EXAMINATION BY PHYSICIAN--FEE. The  
48 industrial commissioner may appoint a duly qualified,  
49 impartial physician to examine the injured employee  
50 and make a report. ~~The-fee-for-this-service-shall~~

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1 ~~be five dollars, to be paid by the industrial~~  
2 ~~commissioner, together with traveling expenses, but~~  
3 ~~the commissioner may allow additional reasonable~~  
4 ~~amounts in extraordinary cases.~~ Any A physician se  
5 examining any an injured employee shall not be  
6 prohibited from testifying before the industrial  
7 commissioner, or ~~any other~~ another person, commission,  
8 or court, as to the results of ~~his~~ the physician's  
9 examination or the condition of the injured employee.  
10 The fee for services under this section shall be taxed  
11 as costs pursuant to section 86.40.  
12 Sec. 4. This Act applies to injuries incurred  
13 on or after July 1, 1984."

H-6270 FILED APRIL 12, 1984 BY STURGEON of Woodbury

*Out of order 4/13 (p. 1985)*

SENATE FILE 244

H-6277

1 Amend amendment H-6270 to Senate File 244 as  
2 amended, passed and reprinted by the Senate, as  
3 follows:  
4 1. Page 2, by striking lines 8 through 19 and  
5 inserting in lieu thereof the following: "physicians.  
6 If the employee, after the expiration of ten calendar  
7 days from the first receipt of medical services, is  
8 dissatisfied with the physician selected by the  
9 employer or from the employer's panel, the employee  
10 may select another physician from the employer's  
11 panel. If the employee has reason to be dissatisfied  
12 with the care offered by the second physician, he or  
13 she shall communicate the basis of such dissatisfaction  
14 to the employer, in writing if requested, following  
15 which the employer and the employee may agree to  
16 alternate care reasonably suited to treat the injury.  
17 If the employer and the employee cannot agree on  
18 such alternate care, the commissioner may, upon  
19 application and reasonable proofs of the necessity  
20 therefor, allow and order other care."

H-6277 FILED APRIL 12, 1984 BY HALVORSON of Clayton

*Out of order 4/13 (p. 1985)*

## SENATE FILE 244

H-6278

1 Amend amendment H-6270 to Senate File 244, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 1, line 3 through page 3,  
5 line 13 and inserting in lieu thereof the following:

6 "1. By striking everything after the enacting  
7 clause and inserting in lieu thereof the following:

8 "Section 1. Section 85.27, unnumbered paragraph  
9 4, Code 1983, is amended by striking the unnumbered  
10 paragraph.

11 Sec. 2. Section 85.27, Code 1983, is amended by  
12 numbering the unnumbered paragraphs and by adding  
13 the following new subsections:

14 NEW SUBSECTION. Unless an employer allows employees  
15 to select their own physicians to provide medical  
16 services covered under this section, the employer  
17 shall select and maintain a panel of physicians who  
18 are not employees of the employer and who are  
19 reasonably accessible to the employees of the employer.  
20 The panel selected and maintained by an employer with  
21 three hundred or fewer employees per site shall contain  
22 at least three physicians and the panel selected and  
23 maintained by an employer with more than three hundred  
24 employees per site shall contain at least seven  
25 physicians. The employer shall post the list of the  
26 physicians on the panel in a place accessible to the  
27 employees.

28 a. An employer required to select and maintain  
29 a panel of physicians may apply to the industrial  
30 commissioner for a total or partial waiver of the  
31 panel requirement. The application for waiver shall  
32 state the reasons for the submission of the application  
33 and that the employer has attempted to select and  
34 maintain the required panel. A copy of the application  
35 for waiver shall be posted in a place accessible to  
36 the employer's employees. The industrial commissioner  
37 may deny the waiver or grant the employer a partial  
38 or total waiver of the panel requirement. However,  
39 a total or partial waiver to the panel requirement  
40 shall only be granted if the employer can demonstrate  
41 that the community lacks a sufficient number of  
42 physicians who are located in or reasonably near the  
43 community in which the medical services are required  
44 and who are qualified to perform the medical services  
45 necessary to meet the needs of the employer's  
46 employees.

47 b. The industrial commissioner may order necessary  
48 changes in an employer's panel of physicians if the  
49 commissioner finds that the panel fails to contain  
50 a sufficient number of physicians who are conveniently

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1 available to or in the community in which medical  
2 services are required and who are qualified to perform  
3 the medical services necessary to meet the particular  
4 needs of the employer's employees. The commissioner  
5 may suspend or remove a physician from a panel of  
6 physicians under rules adopted by the commissioner  
7 pursuant to chapter 17A.

8 NEW SUBSECTION. An employee may accept the medical  
9 services of a physician selected by the employer or  
10 may select a physician from the employer's panel of  
11 physicians. If the employee, after the expiration  
12 of ten calendar days from the first receipt of medical  
13 services, is dissatisfied with the physician selected  
14 by the employer or from the employer's panel, the  
15 employee may select another physician from the  
16 employer's panel. If the employee has reason to be  
17 dissatisfied with the care offered by the second  
18 physician, the employee shall communicate the basis  
19 of the dissatisfaction to the employer, in writing  
20 if requested, following which the employer and the  
21 employee may agree to alternate care reasonably suited  
22 to treat the injury. If the employer and the employee  
23 cannot agree on such alternate care, the industrial  
24 commissioner may, upon application and reasonable  
25 proof of the necessity for other care, allow and order  
26 other care.

27 a. In an emergency, the employee may select a  
28 physician at the employer's expense, provided the  
29 employer or the employer's agent cannot be reached  
30 immediately.

31 b. The physician selected may arrange for a  
32 consultation, referral, extraordinary or other  
33 specialized medical services as the nature of the  
34 injury requires.

35 c. The employer is not responsible for the charges  
36 for medical services furnished or ordered by a  
37 physician or other person selected by the employee  
38 in disregard of the provisions of this subsection  
39 and the employer is not responsible for compensation  
40 for an aggravation of the employee's injury  
41 attributable to improper medical services by the  
42 physician or other person.

43 NEW SUBSECTION. If an employer required to select  
44 and maintain a panel of physicians has knowledge of  
45 an injury to an employee and the necessity for medical  
46 services, and fails to maintain a panel of physicians  
47 and a waiver has not been granted, or fails to permit  
48 the injured employee to select a physician from the  
49 panel, the employee may immediately select a physician  
50 to provide medical services at the expense of the

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1 employer.

2 Sec. 3. Section 86.38, Code 1983, is amended to  
3 read as follows:

4 86.38 EXAMINATION BY PHYSICIAN--FEE. The  
5 industrial commissioner may appoint a duly qualified,  
6 impartial physician to examine the injured employee  
7 and make a report. ~~The fee for this service shall~~  
8 ~~be five dollars, to be paid by the industrial~~  
9 ~~commissioner, together with traveling expenses, but~~  
10 ~~the commissioner may allow additional reasonable~~  
11 ~~amounts in extraordinary cases.~~---Any A physician so  
12 examining any an injured employee shall not be  
13 prohibited from testifying before the industrial  
14 commissioner, or any other another person, commission,  
15 or court, as to the results of ~~his~~ the physician's  
16 examination or the condition of the injured employee.  
17 The fee for services under this section shall be taxed  
18 as costs pursuant to section 86.40.

19 Sec. 4. This Act applies to injuries incurred  
20 on or after July 1, 1984."

H-6278 FILED APRIL 13, 1984 BY HALVORSON of Clayton  
OUT OF ORDER (y. 1985)

## SENATE FILE 244

H-6279

1 Amend amendment H-6270 to Senate File 244 as  
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 11 the words  
4 "employee may obtain an opinion on the suitability  
5 of the physician selection, at the employer's expense,  
6 from another physician mutually agreed upon by the  
7 employer and the employee. If the employee remains  
8 dissatisfied with the physician selected by the  
9 employer or from the employer's panel after obtaining  
10 the opinion, the".

H-6279 FILED APRIL 13, 1984 BY SCHROEDER of Pottawattamie  
OUT OF ORDER (y. 1985)

## HOUSE AMENDMENT TO SENATE FILE 244

S-5907

1 Amend Senate File 244, as amended, passed and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 85.27, unnumbered paragraph  
6 4, Code 1983, is amended to read as follows:

7 For purposes of this section, the employer is  
8 ~~obliged to~~ shall furnish reasonable services and  
9 supplies to treat an injured employee, and ~~has the~~  
10 ~~right to~~ the employee may choose the care. The  
11 ~~treatment must be offered promptly and be reasonably~~  
12 ~~suited to treat the injury without undue inconvenience~~  
13 ~~to the employee.~~ If the employee employer has reason  
14 to be dissatisfied with the care offered given, he  
15 should the employer shall communicate in writing the  
16 basis of such the dissatisfaction to the employer,  
17 ~~in writing if requested~~ employee, following which  
18 the employer and the employee may agree to alternate  
19 care reasonably suited to treat the injury. If the  
20 employer and employee cannot agree on such alternate  
21 care, the commissioner may, upon application and  
22 reasonable proofs of the necessity therefor, allow  
23 and order other care. ~~In an emergency, the employee~~  
24 ~~may choose his care at the employer's expense, provided~~  
25 ~~the employer or his agent cannot be reached~~  
26 ~~immediately.~~

27 If the industrial commissioner disapproves a claim  
28 or a portion of a claim for benefits under this section  
29 because it did not meet the reasonable or necessary  
30 standards of this section, the employee shall reimburse  
31 the employer for the cost or that portion of the cost  
32 of the care which did not meet the reasonable or  
33 necessary standards."

34 2. Title page, by striking lines 1 and 2 and  
35 inserting in lieu thereof the words "An Act allowing  
36 employees to choose the care given under workers'  
37 compensation medical benefits."

S-5907 FILED

RECEIVED FROM THE HOUSE

APRIL 16, 1984

*Senate Amended (5930) & Concurred 4/17 (p. 1588)*

## SENATE FILE 244

S-5930

1 Amend House amendment S-5907, to Senate File 244 as  
2 amended, passed and reprinted by the Senate, as follows:

3 1. Page 1, line 10, by striking the words "the care"  
4 and inserting in lieu thereof the words "the a physician  
5 licensed under chapter 148 or 150A to provide medical  
6 care. The physician may arrange a consultation, referral,  
7 or extraordinary or other specialized care as the nature  
8 of the injury requires":

S-5930 FILED &amp; ADOPTED

BY ARTHUR A. SMALL, JR.

APRIL 16, 1984 (p. 1568)

JACK RIFE

*motion & records 4/15 4/17*

SENATE FILE 244

S-5938

1 Amend the House amendment S-5907 to Senate File 244  
2 as amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. Page 1, line 9, by inserting after the word  
5 "employee," the words "at the employee's expense".

S-5938 FILED

BY JOHN W. JENSEN

APRIL 17, 1984

RULED OUT OF ORDER (p. 1587)

SENATE FILE 244

S-5943

1 Amend the House amendment, S-5907, to Senate File  
2 244 as amended, passed and reprinted by the Senate  
3 as follows:  
4 1. Page 1, line 9, by inserting after the word  
5 "employee," the words "at the employee's expense".  
6 2. Page 1, line 19, by inserting after the word  
7 "injury" the words "at the employer's expense".

S-5943 FILED & LOST

BY JOHN W. JENSEN

APRIL 17, 1984 (p. 1587)



OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD  
GOVERNOR

May 19, 1984

The Honorable Mary Jane Odell  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 244, an act allowing employees to choose the care given under workers' compensation medical benefits, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 244 amends Section 85.27, unnumbered paragraph 4 of the Code to provide that an employee, rather than employer, may choose a physician under our state's workers' compensation statutes. This legislation reverses a policy that has stood for over 70 years, since the time the General Assembly originally enacted the Workers' Compensation Act in 1913.

Code of Iowa, Section 85.27 currently states that the employer has the duty to provide prompt medical care reasonably suited to treat an employee's injury without undue inconvenience to the employee. This statute also provides a safeguard so that an employee dissatisfied with his or her care may bring that concern to the attention of the employer so that alternate care may be discussed. This same section further prescribes that an employee who remains dissatisfied may apply to the state's Industrial Commissioner for the ordering of alternate care.

It should be noted that another paragraph of Section 85.27, a paragraph unaffected by this bill, directs that employers must furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance, hospital services and supplies, and shall allow reasonably necessary transportation expenses.

While Senate File 244 amends only the fourth unnumbered paragraph of Section 85.27, it is a change with dramatic repercussions on other sections of our workers' compensation system. For example, the employer now has the responsibility

The Honorable Mary Jane Odell  
May 19, 1984  
Page 2

for care and the right to make the selection. There have been few disputes regarding the cost of care. Senate File 244 would clearly increase the likelihood of such disputes since the party paying the costs of care would no longer be choosing the provider.

At a time when we are asking business and industry to accept greater responsibility for an employee's health and the costs associated with it, it would only seem fair that the employer have the primary responsibility for selecting the physician. This argument has special merit when one considers that, under our state's O.S.H.A. regulations, some employers are required to provide pre-employment physicals, provide regular health monitoring, annual physical reviews, and many other important health services prescribed by state and federal law.

All of these requirements, and indeed the many unrequired health services that many businesses and industries supply, carry with them a great exposure to legal liability. If government is going to mandate and encourage medical care and concern in the workplace --- then government should provide mechanisms to contain health care costs and reduce liability exposure.

Over 250 Iowa companies have contacted me personally to request that I veto Senate File 244. Also, numerous chambers of commerce, business associations, and local units of government have expressed disapproval of this bill.

Iowa must maintain a positive business climate if our state is going to successfully compete for jobs. A recent study by Alexander Grant and Company gives our state's workers' compensation system a mixed review. While a weighted average of actual compensation levels ranks Iowa 5th in the nation, our maximum weekly disability payments are the highest of the 48 contiguous states, thereby giving Iowa a bad rating. "Medical control" is a very important factor in the evaluation of state worker compensation laws. I am extremely concerned that the enactment of this legislation would lead to markedly increased employer costs and a damaging appraisal of our state's workers' compensation system by companies considering adding jobs here.

It should come as little surprise that this legislation does not meet with my approval. I have made jobs for Iowans my Number One priority. It is the assessment of many who have joined in the effort to promote economic development that this bill would be a serious setback to these efforts, and I concur with their judgement.

The Honorable Mary Jane Odell  
May 19, 1984  
Page 3

In short, Senate File 244 would not improve the quality of medical care provided to most injured Iowa workers, but would increase the cost of doing business in Iowa. This change would adversely affect our job creation efforts.

For the reasons mentioned above, I hereby respectfully disapprove Senate File 244.

Very truly yours,

A handwritten signature in cursive script that reads "Terry E. Branstad".

Terry E. Branstad  
Governor

TEB/jrb

cc: Secretary of the Senate  
Chief Clerk of the House

cost or that portion of the cost of the care which did not meet the reasonable or necessary standards.

SENATE FILE 244

AN ACT

ALLOWING EMPLOYEES TO CHOOSE THE CARE GIVEN UNDER WORKERS' COMPENSATION MEDICAL BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 85.27, unnumbered paragraph 4, Code 1983, is amended to read as follows:

For purposes of this section, the employer ~~is obliged to~~ shall furnish reasonable services and supplies to treat an injured employee, and ~~has the right to~~ the employee may choose ~~the~~ a physician licensed under chapter 148 or 150A to provide medical care. ~~The physician may arrange a consultation, referral, or extraordinary or other specialized care as the nature of the injury requires. The treatment must be offered promptly and be reasonably suited to treat the injury without undue inconvenience to the employee.~~ If the employee ~~employer~~ has reason to be dissatisfied with the care offered given, ~~he should~~ the employer shall communicate in writing the basis of such the dissatisfaction to the employer, ~~in writing if requested employee,~~ following which the employer and the employee may agree to alternate care reasonably suited to treat the injury. If the employer and employee cannot agree on such alternate care, the commissioner may, upon application and reasonable proofs of the necessity therefor, allow and order other care. ~~in an emergency, the employee may phone his care at the employer's expense, provided the employer or his agent cannot be reached immediately.~~

If the industrial commissioner disapproves a claim or a portion of a claim for benefits under this section because it did not meet the reasonable or necessary standards of this section, the employee shall reimburse the employer for the

\_\_\_\_\_  
CHARLES P. MILLER  
President Pro Tempore of the  
Senate

\_\_\_\_\_  
DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 244, Seventieth General Assembly.

*W. H. ...*  
Approved 5/19, 1984

\_\_\_\_\_  
K. MARIE THAYER  
Secretary of the Senate

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor

S.F. 244