

MAR 13 1995

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 399

BY SCHRADER, BERNAU, MORELAND,
DREES, BAKER, BRAND, and
LARKIN

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to employee choice of medical care in workers'
2 compensation.

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

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HF 399

1 Section 1. Section 85.27, unnumbered paragraph 4, Code
2 1995, is amended to read as follows:

3 For purposes of this section, the employer is obliged to
4 furnish reasonable services and supplies to treat an injured
5 employee, and ~~has the right to choose the care~~ the employee
6 has the right to choose the employee's care at the employer's
7 expense if the employer is notified of the choice. The
8 treatment must be offered promptly and be reasonably suited to
9 treat the injury without undue inconvenience to the employee.
10 If the ~~employee~~ employer has reason to be dissatisfied with
11 the care offered, the ~~employee~~ employer should communicate the
12 basis of such dissatisfaction to the ~~employer~~ employee, in
13 writing if requested, following which the employer and the
14 employee may agree to alternate care reasonably suited to
15 treat the injury. If the employer and employee cannot agree
16 on such alternate care, the commissioner may, upon application
17 and reasonable proofs of the necessity therefor, allow and
18 order other care. ~~In an emergency, the employee may choose~~
19 ~~the employee's care at the employer's expense, provided the~~
20 ~~employer or the employer's agent cannot be reached~~
21 ~~immediately.~~ An application made under this paragraph shall
22 be considered an original proceeding for purposes of
23 commencement and contested case proceedings under section
24 85.26. The hearing shall be conducted pursuant to chapter
25 17A. Before a hearing is scheduled, the parties may choose a
26 telephone hearing or an in-person hearing. A request for an
27 in-person hearing shall be approved unless the in-person
28 hearing would be impractical because of the distance between
29 the parties to the hearing. The industrial commissioner shall
30 issue a decision within ten working days of receipt of an
31 application for alternate care made pursuant to a telephone
32 hearing or within fourteen working days of receipt of an
33 application for alternate care made pursuant to an in-person
34 hearing. ~~The employer shall notify an injured employee of the~~
35 ~~employee's ability to contest the employer's choice of care~~

1 ~~pursuant-to-this-paragraph:~~ This paragraph does not prohibit
2 an employer from retaining a physician or other health service
3 provider for use by employees.

4 EXPLANATION

5 This bill provides that an employee, based on an injury
6 compensable under the workers' compensation law, has the right
7 to choose the care at the employer's expense if the employer
8 is notified of the choice. The employer has the right to
9 challenge this choice and to request a decision by the
10 industrial commissioner. Currently, the employer has the
11 right to choose the care of an injured employee, subject to
12 the employee's right to choose the care in an emergency
13 situation and subject to the ability of the employee to
14 challenge the choice before the industrial commissioner. The
15 bill also does not prohibit an employer from making medical
16 care available to employees.

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