

FEB 28 2003

COMMERCE, REGULATION & LABOR

HOUSE FILE **353**

BY T. TAYLOR and MURPHY

Passed House, Date 4/22/03 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 353

1 Section 1. Section 85.27, subsection 4, Code 2003, is
2 amended to read as follows:

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

1 ~~care-pursuant-to-this-subsection.~~ This subsection does not
2 prohibit an employer from retaining a physician or other
3 health service 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 to treat the injury at the employer's
8 expense if the employer is notified of the choice. The
9 employer has the right to challenge this choice and to request
10 a decision by the workers' compensation commissioner.
11 Currently, the employer has the right to choose the care of an
12 injured employee, subject to the employee's right to choose
13 the care in an emergency situation and subject to the ability
14 of the employee to challenge the choice before the workers'
15 compensation commissioner. The bill also does not prohibit an
16 employer from making medical care available to employees.

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Description

Senate File 353 requires county attorneys to establish child protection assistance teams in all 99 counties to include the county attorney, law enforcement personnel, and personnel of the Department of Human Services (DHS). The Bill permits single team coverage of a multi-county area if determined by multiple county attorneys.

Senate File 353 provides that the teams, to the greatest extent possible, may be consulted in cases involving a forcible felony against a child under the age of 14 in which the suspected offender is the person responsible for the care of the child, and may also be utilized in cases involving a child victim of a sexual crime under Chapter 709, Code of Iowa, and in crimes relating to the protection of the family and dependent persons under Chapter 726, Code of Iowa.

In addition, Senate File 353 requires the DHS to apply protocols developed with each local child protection assistance team to prioritize the actions taken in response to child abuse reports. The Bill also allows the Department of Justice to provide training and other assistance to support the activities of a child protection assistance team.

Assumptions

1. There are 58 counties that currently utilize entities similar to the required child protection assistance teams (referred to in current Code as a multidisciplinary team).
2. Ten counties do not utilize multidisciplinary teams, as there are less than 50 child abuse reports in these counties annually.
3. County attorneys in 41 counties not already utilizing entities similar to the required child protection assistance teams would be required to establish a team.
4. Sufficient information is not available to determine whether the DHS could establish and use similar protocols in multiple counties or if the protocols would need to be amended a number of times.

Fiscal Impact

Senate File 353 may have an impact to county government, especially for the 41 counties that do not currently utilize entities similar to child protection assistance teams and would be required to establish teams, and in counties where the county attorney works part-time. However, due to insufficient information, the fiscal impact on county governments cannot be determined.

The Department of Justice, Attorney General's Office, does not anticipate the availability of federal or State funds to assist in the provision of training and other assistance to support the activities of child protection assistance teams.

Senate File 353 is not expected to have a fiscal impact to the Department of Human Services.

Sources

Department of Human Services
Department of Justice, Attorney General's Office
Iowa County Attorneys Association

/s/ Dennis C Prouty

March 19, 2003