

**House File 2019 - Introduced**

HOUSE FILE 2019

BY SWAIM

**A BILL FOR**

1 An Act relating to the evaluation of permanent disability for  
2 purposes of workers' compensation benefits.

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

1 Section 1. Section 85.39, Code 2011, is amended to read as  
2 follows:

3 **85.39 Examination of injured employees.**

4 1. After an injury, the employee, if requested by the  
5 employer, shall submit for examination at some reasonable time  
6 and place and as often as reasonably requested, to a physician,  
7 ~~or~~ physicians, or other health care provider authorized to  
8 ~~practice~~ provide professional health care services under the  
9 laws of this state or another state, without cost to the  
10 employee; but if the employee requests, the employee, at the  
11 employee's own cost, is entitled to have a physician, ~~or~~  
12 physicians, or other health care provider of the employee's  
13 own selection present to participate in the examination. If  
14 an employee is required to leave work for which the employee  
15 is being paid wages to attend the requested examination, the  
16 employee shall be compensated at the employee's regular rate  
17 for the time the employee is required to leave work, and  
18 the employee shall be furnished transportation to and from  
19 the place of examination, or the employer may elect to pay  
20 the employee the reasonable cost of the transportation. The  
21 refusal of the employee to submit to the examination shall  
22 suspend the employee's right to any compensation for the period  
23 of the refusal. Compensation shall not be payable for the  
24 period of suspension.

25 2. If an evaluation of permanent disability has been made  
26 by a physician or other health care provider retained by the  
27 employer and the employee believes this evaluation to be too  
28 low, the employee shall, upon application to the commissioner  
29 and upon delivery of a copy of the application to the employer  
30 and its insurance carrier, be reimbursed by the employer the  
31 reasonable fee for a subsequent examination by a physician  
32 or other health care provider of the employee's own choice,  
33 and reasonably necessary transportation expenses incurred for  
34 the examination. The physician or other health care provider  
35 chosen by the employee has the right to confer with and obtain

1 from the employer-retained physician or other health care  
2 provider sufficient history of the injury to make a proper  
3 examination.

4 3. For the purposes of this section, "health care provider"  
5 means a person who is licensed or certified under chapter  
6 147, 148, 148A, 148C, 149, 151, 152, 152E, 153, 154, 154B,  
7 154F, or 155A to provide professional health care services to  
8 an employee during that employee's medical care, treatment,  
9 or confinement, and whose scope of practice pursuant to the  
10 person's licensure qualifies that person to make an evaluation  
11 of permanent disability of the employee.

12 EXPLANATION

13 This bill provides that after a work-related injury  
14 an employee, if requested by the employer, is required to  
15 submit for examination to a physician or other health care  
16 provider chosen by the employer who is authorized to provide  
17 professional health care services. If the physician or  
18 other health care provider makes an evaluation of permanent  
19 disability, and the employee believes the evaluation is  
20 too low, the employee must be reimbursed for a subsequent  
21 examination by a physician or health care provider of the  
22 employee's own choice.

23 Currently, the statute only refers to examinations provided  
24 by a physician. The bill provides that other licensed health  
25 care providers can perform examinations and make evaluations  
26 of permanent disability if the provider's scope of practice  
27 pursuant to the provider's licensure qualifies that person to  
28 make an evaluation of permanent disability.

29 A "health care provider" as defined in the bill includes  
30 a physician and surgeon and an osteopathic physician and  
31 surgeon; physical therapist; physician assistant; podiatrist;  
32 chiropractor; nurse; dentist; optometrist; psychologist; speech  
33 pathologist or audiologist; and pharmacist.