

Senate File 456 - Introduced

SENATE FILE 456

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A BILL FOR

1 An Act relating to the choice of doctor to treat injured
2 employees under workers' compensation laws and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 85.27, subsection 4, Code 2025, is amended
2 to read as follows:

3 4. a. (1) For purposes of this section, the employer is
4 obliged to furnish reasonable services and supplies to treat an
5 injured employee, and has the right to choose the care unless the
6 employee has predesignated a physician as provided in paragraph
7 "b". If the employer chooses the care, the employer shall hold
8 the employee harmless for the cost of care until the employer
9 notifies the employee that the employer is no longer authorizing
10 all or any part of the care and the reason for the change in
11 authorization. An employer is not liable for the cost of care
12 that the employer arranges in response to a sudden emergency
13 if the employee's condition, for which care was arranged, is
14 not related to the employment. The treatment must be offered
15 promptly and be reasonably suited to treat the injury without
16 undue inconvenience to the employee.

17 (2) If the employee has reason to be dissatisfied with the
18 care offered, the employee should communicate the basis of
19 such dissatisfaction to the employer, in writing if requested,
20 following which the employer and the employee may agree to
21 alternate care reasonably suited to treat the injury. If the
22 employer and employee cannot agree on such alternate care, the
23 commissioner may, upon application and reasonable ~~proofs~~ proof
24 of the necessity therefor, allow and order other care. In
25 an emergency, the employee may choose the employee's care at
26 the employer's expense, provided the employer or the employer's
27 agent cannot be reached immediately. ~~An application made under~~
28 ~~this subsection shall be considered an original proceeding for~~
29 ~~purposes of commencement and contested case proceedings under~~
30 ~~section 85.26. The hearing shall be conducted pursuant to~~
31 ~~chapter 17A. Before a hearing is scheduled, the parties~~
32 ~~may choose a telephone hearing or an in-person hearing. A~~
33 ~~request for an in-person hearing shall be approved unless the~~
34 ~~in-person hearing would be impractical because of the distance~~
35 ~~between the parties to the hearing. The workers' compensation~~

~~1 commissioner shall issue a decision within ten working days of
2 receipt of an application for alternate care made pursuant to a
3 telephone hearing or within fourteen working days of receipt of
4 an application for alternate care made pursuant to an in-person
5 hearing.~~

6 (3) The employer shall notify an injured employee of the
7 employee's ability to contest the employer's choice of care
8 pursuant to this subsection paragraph "a".

9 b. (1) An injured employee has the right to choose care,
10 unless care needs to be provided at the job site in response to
11 a life-threatening emergency, if the employee has predesignated
12 a physician who is a primary care provider, who has previously
13 provided medical treatment to the employee and has retained the
14 employee's medical records, to provide treatment for the injury.
15 Upon hire and periodically during employment, an employer shall
16 provide written notice to all employees who have not yet
17 predesignated a physician, of their right under this paragraph
18 to predesignate such a physician for treatment of an injury, in
19 a manner prescribed by the workers' compensation commissioner by
20 rule. The employer or the employer's insurer shall not coerce
21 or otherwise attempt to influence an injured employee's choice
22 of a physician to provide care. An employee shall, as soon as
23 practicable, notify the employer of an injury, and upon receiving
24 such notice of an injury from an employee, the employer shall
25 again provide written notice to that employee of the employee's
26 right under this paragraph in a manner prescribed by the workers'
27 compensation commissioner by rule. If an employer fails to
28 notify an employee of the employee's right to choose a physician
29 as provided in this paragraph, the employee has the right to
30 choose any physician to provide treatment for the injury and the
31 treatment shall be considered care authorized under this section.

32 (2) For the purposes of this paragraph, "physician" includes
33 an individual physician, a group of physicians, or a clinic.
34 For the purposes of this paragraph, "primary care provider"
35 means an employee's personal physician licensed to practice

1 medicine and surgery or osteopathic medicine and surgery in this
2 state or in another state who provides primary care and is a
3 family or general practitioner, a pediatrician, an internist, an
4 obstetrician, or a gynecologist. A physician who practices in
5 another state shall not be predesignated by an employee unless
6 the physician's office is located within sixty miles of where
7 the employee is employed or was injured unless the workers'
8 compensation commissioner allows otherwise. A physician chosen
9 by an injured employee to provide treatment is authorized to
10 arrange for any consultation, surgical consultation, referral,
11 emergency care, or other specialized medical services as the
12 physician deems necessary to treat the injury. The employer
13 shall pay for all such care, unless the workers' compensation
14 commissioner determines otherwise.

15 (3) If the employer has reason to be dissatisfied with the
16 care chosen by the employee, the employer should communicate
17 the basis of such dissatisfaction to the employee, in writing
18 if requested, following which the employee and the employer may
19 agree to alternate care reasonably suited to treat the injury.
20 If the employee and employer cannot agree on such alternate care,
21 the commissioner may, upon application and reasonable proof of
22 the necessity therefor, allow and order other care.

23 c. An application made to the commissioner under paragraph
24 "a" or "b" shall be considered an original proceeding for
25 purposes of commencement and contested case proceedings under
26 section 85.26. The hearing shall be conducted pursuant to
27 chapter 17A. Before a hearing is scheduled, the parties may
28 choose a telephone hearing, an audio-video conference hearing, or
29 an in-person hearing. A request for an in-person hearing shall
30 be approved unless the in-person hearing would be impractical
31 because of the distance between the parties to the hearing. The
32 workers' compensation commissioner shall issue a decision within
33 ten working days of receipt of an application for alternate care
34 if a telephone hearing or audio-video conference hearing is held
35 or within fourteen working days of receipt of an application for

1 alternate care if an in-person hearing is held.

2 Sec. 2. Section 85.39, Code 2025, is amended to read as
3 follows:

4 **85.39 Examination of injured employees.**

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

23 2. b. If an evaluation of permanent disability has been
24 made by a physician retained by the employer and the employee
25 believes this evaluation to be too low, the employee shall, upon
26 application to the commissioner and upon delivery of a copy of
27 the application to the employer and its insurance carrier, be
28 reimbursed by the employer the reasonable fee for a subsequent
29 examination by a physician of the employee's own choice, and
30 reasonably necessary transportation expenses incurred for the
31 examination. The physician chosen by the employee has the right
32 to confer with and obtain from the employer-retained physician
33 sufficient history of the injury to make a proper examination.
34 An employer is only liable to reimburse an employee for the
35 cost of an examination conducted pursuant to this ~~subsection~~

1 paragraph if the injury for which the employee is being examined
2 is determined to be compensable under this chapter or chapter
3 85A or 85B. An employer is not liable for the cost of such
4 an examination if the injury for which the employee is being
5 examined is determined not to be a compensable injury. A
6 determination of the reasonableness of a fee for an examination
7 made pursuant to this ~~subsection~~ paragraph, shall be based on
8 the typical fee charged by a medical provider to perform an
9 impairment rating in the local area where the examination is
10 conducted.

11 2. If the employee has chosen a physician to provide care
12 as provided in section 85.27, subsection 4, paragraph "b", when
13 it is medically indicated that no significant improvement from
14 an injury is anticipated, the employee may obtain a medical
15 opinion from the employee's physician, at the employer's expense,
16 regarding the extent of the employee's permanent disability. If
17 the employee obtains such an evaluation and the employer believes
18 this evaluation of permanent disability to be too high, the
19 employer may arrange for a medical examination of the injured
20 employee by a physician of the employer's choice for the purpose
21 of obtaining a medical opinion regarding the extent of the
22 employee's permanent disability. If an employee is required
23 to leave work for which the employee is being paid wages to
24 attend an examination under this subsection, the employee shall
25 be compensated at the employee's regular rate for the time the
26 employee is required to leave work, and the employee shall be
27 furnished transportation to and from the place of examination,
28 or the employer may elect to pay the employee the reasonable
29 cost of transportation. The physician chosen by the employer
30 to conduct the examination has the right to confer with and
31 obtain from any physician who has treated the injured employee
32 sufficient history of the injury to make a proper examination.
33 The refusal by the employee to submit to the examination shall
34 forfeit the employee's right to any compensation for the period
35 of the refusal. Compensation shall not be payable for the period

1 provides procedures for proceedings on such applications.

2 The bill provides that if the employee has chosen care, when
3 it is medically indicated that no significant improvement from an
4 injury is anticipated, the employee may obtain a medical opinion
5 regarding the extent of the employee's permanent disability. If
6 the employer believes that the evaluation of permanent disability
7 obtained by the employee is too high, the employer has the
8 right to obtain another medical opinion from a physician of the
9 employer's choosing.

10 The bill takes effect and applies to injuries occurring on or
11 after January 1, 2026.

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