

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 498

Short Title: Workers' Comp/Physician Selection.

(Public)

Sponsors: Senators Odom; Ballance, Ballantine, Conder, Dalton, Gulley, Horton, Kinnaird, Miller, Reeves, Rucho, Soles, Wellons, and Winner.

Referred to: Judiciary.

March 25, 1997

A BILL TO BE ENTITLED

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2 AN ACT TO ALLOW INJURED EMPLOYEES SUBJECT TO THE WORKERS'
3 COMPENSATION ACT TO SELECT OR CHANGE TREATING PHYSICIANS
4 ONE TIME WITHOUT THE NEED TO GET THE APPROVAL OF THE
5 INDUSTRIAL COMMISSION.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 97-25 reads as rewritten:

8 **"§ 97-25. Medical treatment and supplies.**

9 Medical compensation shall be provided by the employer. In case of a controversy
10 arising between the employer and employee relative to the continuance of medical,
11 surgical, hospital, or other treatment, the Industrial Commission may order such further
12 treatments as may in the discretion of the Commission be necessary.

13 The Commission may at any time upon the request of an employee order a change of
14 treatment and designate other treatment suggested by the injured employee subject to the
15 approval of the Commission, and in such a case the expense thereof shall be borne by the
16 employer upon the same terms and conditions as hereinbefore provided in this section for
17 medical and surgical treatment and attendance.

18 The refusal of the employee to accept any medical, hospital, surgical or other
19 treatment or rehabilitative procedure when ordered by the Industrial Commission shall

1 bar said employee from further compensation until such refusal ceases, and no
2 compensation shall at any time be paid for the period of suspension unless in the opinion
3 of the Industrial Commission the circumstances justified the refusal, in which case, the
4 Industrial Commission may order a change in the medical or hospital service.

5 If in an emergency on account of the employer's failure to provide the medical or
6 other care as herein specified a physician other than provided by the employer is called to
7 treat the injured employee, the reasonable cost of such service shall be paid by the
8 employer if so ordered by the Industrial Commission.

9 ~~Provided, however, if he so desires, an~~ An injured employee may one time select a
10 physician of his own choosing to attend, prescribe and assume the care and charge of his
11 ~~ease, subject to the approval of the Industrial Commission.~~ case. An injured employee may
12 one time change a physician selected by the employer. Any subsequent change of
13 physician shall be subject to the approval of the Industrial Commission."

14 Section 2. This act is effective when it becomes law.