

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1044 Session of
1975

INTRODUCED BY MESSRS. CAPUTO, GEISLER, FLAHERTY, RHODES,
MRKONIC, ITKIN, M. M. MULLEN, ROMANELLI, MENHORN, SWEENEY,
NOVAK, ABRAHAM, VALICENTI, MRS. GILLETTE, MESSRS. KNEPPER,
CESSAR, FISHER, PARKER AND REED, APRIL 16, 1975

SENATOR COPPERSMITH, PUBLIC HEALTH AND WELFARE, IN SENATE, AS
AMENDED, FEBRUARY 10, 1976

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as
2 amended, "An act defining the liability of an employer to pay
3 damages for injuries received by an employe in the course of
4 employment; establishing an elective schedule of
5 compensation; providing procedure for the determination of
6 liability and compensation thereunder; and prescribing
7 penalties," further providing for certain provisions relating
8 to the employe's choice of practitioner of the healing arts.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Subsection (f) of section 306, act of June 2,
12 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's
13 Compensation Act," reenacted and amended June 21, 1939 (P.L.520,
14 No.281), and amended December 5, 1974 (P.L.782, No.263), is
15 amended AND THE SECTION IS AMENDED BY ADDING A SUBSECTION to <—
16 read:

17 Section 306. The following schedule of compensation is
18 hereby established:

19 * * *

1 (f) The employer shall provide payment for reasonable
2 surgical and medical services, services rendered by duly
3 licensed practitioners of the healing arts, medicines, and
4 supplies, as and when needed: Provided, That the employe may
5 select a duly licensed practitioner of the healing arts of his
6 own choice~~†~~ : AND, PROVIDED FURTHER, THAT IF THE EMPLOYE CHOOSES <—
7 A PHYSICIAN, HE MAY SELECT A PHYSICIAN OF HIS OWN CHOICE, unless
8 at least five physicians shall have been designated by the
9 employer or by the employer and the employe's representative by
10 agreement, in which instances the employe shall select a
11 physician FOR HIS FIRST VISIT from among those designated~~†~~. In <—
12 addition to the above service, the employer shall provide
13 payment for medicines and supplies, hospital treatment, services
14 and supplies and orthopedic appliances, and prostheses. The cost
15 for such hospital treatment, service and supplies shall not in
16 any case exceed the prevailing charge in the hospital for like
17 services to other individuals. If the employe shall refuse
18 reasonable services of duly licensed practitioners of the
19 healing arts, surgical, medical and hospital services,
20 treatments, medicines and supplies he shall forfeit all rights
21 to compensation for any injury or any increase in his incapacity
22 shown to have resulted from such refusal. Whenever an employe
23 shall have suffered the loss of a limb, part of a limb, or an
24 eye, the employer shall also provide payment for an artificial
25 limb or eye or other prostheses of a type and kind recommended
26 by the doctor attending such employe in connection with such
27 injury and any replacements for an artificial limb or eye which
28 the employe may require at any time thereafter, together with
29 such continued medical care as may be prescribed by the doctor
30 attending such employe in connection with such injury as well as

1 such training as may be required in the proper use of such
2 prostheses. The provisions of this section shall apply in
3 injuries whether or not loss of earning power occurs. If
4 hospital confinement is required, the employe shall be entitled
5 to semi-private accommodations but if no such facilities are
6 available, regardless of the patient's condition, the employer,
7 not the patient, shall be liable for the additional costs for
8 the facilities in a private room.

9 The payment by an insurer for any medical, surgical or
10 hospital services or supplies after any statute of limitations
11 provided for in this act shall have expired shall not act to
12 reopen or review the compensation rights for purposes of such
13 limitations.

14 (F.1) THE TERM "PHYSICIAN" AS USED IN THIS ACT SHALL MEAN, <—
15 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, AN INDIVIDUAL
16 LICENSED UNDER THE LAWS OF THIS COMMONWEALTH TO ENGAGE IN THE
17 PRACTICE OF MEDICINE AND SURGERY IN ALL OF ITS BRANCHES WITHIN
18 THE SCOPE OF THE ACT OF JULY 20, 1974 (P.L.551, NO.190),
19 RELATING TO MEDICINE AND SURGERY, OR IN THE PRACTICE OF
20 OSTEOPATHY OR OSTEOPATHIC SURGERY WITHIN THE SCOPE OF THE ACT OF
21 MARCH 19, 1909 (P.L.46, NO.29).

22 * * *

23 Section 2. This act shall take effect in 60 days.