

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2305 Session of
2008

INTRODUCED BY K. SMITH, BELFANTI, CALTAGIRONE, CARROLL, FRANKEL,
GEORGE, HORNAMAN, MAHONEY, MYERS, M. O'BRIEN, PETRARCA,
READSHAW, SIPTROTH AND SURRA, MARCH 10, 2008

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 10, 2008

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as
2 reenacted and amended, "An act defining the liability of an
3 employer to pay damages for injuries received by an employe
4 in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder; and
7 prescribing penalties," further providing for physical
8 examinations and expert interviews requested by employers.

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

11 Section 1. Section 314(a) of the act of June 2, 1915
12 (P.L.736, No.338), known as the Workers' Compensation Act,
13 reenacted and amended June 21, 1939 (P.L.520, No.281) and
14 amended June 24, 1996 (P.L.350, No.57), is amended to read:

15 Section 314. (a) At any time after an injury the employe,
16 if so requested by his employer, must submit himself at some
17 reasonable time and place for a physical examination or expert
18 interview by an appropriate health care provider or other
19 expert, who shall be selected and paid for by the employer. If
20 the employe shall refuse upon the request of the employer, to

1 submit to the examination or expert interview by the health care
2 provider or other expert selected by the employer, a workers'
3 compensation judge assigned by the department may, upon petition
4 of the employer, order the employe to submit to such examination
5 or expert interview at a time and place set by the workers'
6 compensation judge and by the health care provider or other
7 expert selected and paid for by the employer or by a health care
8 provider or other expert designated by the workers' compensation
9 judge and paid for by the employer. The workers' compensation
10 judge may at any time after such first examination or expert
11 interview, upon petition of the employer, order the employe to
12 submit himself to such further physical examinations or expert
13 interviews as the workers' compensation judge shall deem
14 reasonable and necessary, at such times and places and by such
15 health care provider or other expert as the workers'
16 compensation judge may designate; and in such case, the employer
17 shall pay the fees and expenses of the examining health care
18 provider or other expert, and the reasonable traveling expenses
19 and loss of wages incurred by the employe in order to submit
20 himself to such examination or expert interview. The refusal or
21 neglect, without reasonable cause or excuse, of the employe to
22 submit to such examination or expert interview ordered by the
23 workers' compensation judge, either before or after an agreement
24 or award, shall deprive him of the right to compensation, under
25 this article, during the continuance of such refusal or neglect,
26 and the period of such neglect or refusal shall be deducted from
27 the period during which compensation would otherwise be payable.
28 After the employe submits to a physical examination or expert
29 interview upon the request of his employer, he may petition a
30 workers' compensation judge for an exemption from the

1 requirements of this section: Provided, That the employe has
2 suffered a total disability.

3 * * *

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