
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2643 Session of
2022

INTRODUCED BY SIMS, RABB, CEPHAS, INNAMORATO, MADDEN AND DALEY,
JUNE 6, 2022

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JUNE 6, 2022

AN ACT

1 Amending the act of June 28, 1935 (P.L.477, No.193), entitled
2 "An act providing for the payment of the salary, medical and
3 hospital expenses of certain employes of State and local
4 government who are injured or contract certain diseases in
5 the performance of their duty; and providing that absence
6 during such injury shall not reduce any usual sick leave
7 period," further providing for the payment of the salary,
8 medical and hospital expenses of certain employees of State
9 and local government who are injured or contract certain
10 diseases in the performance of their duty; and providing for
11 affirmation and for definitions.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 1(a)(12) of the act of June 28, 1935
15 (P.L.477, No.193), referred to as the Enforcement Officer
16 Disability Benefits Law, is amended and the section is amended
17 by adding subsections to read:

18 Section 1. (a) Be it enacted, &c., That:

19 * * *

20 (12) any enforcement officer or investigator of the
21 Pennsylvania Game Commission or the Pennsylvania Fish and Boat
22 Commission;

1 who is injured in the performance of his duties including, in
2 the case of firemen, duty as special fire police, and by reason
3 thereof is temporarily incapacitated from performing his duties,
4 shall be paid by the Commonwealth of Pennsylvania if an employe
5 identified under paragraph (1), (2), (3), (4), (5), (6), (7),
6 (8) or (12) or by the Delaware River Port Authority if a member
7 of the Delaware River Port Authority Police or by the county,
8 township or municipality, by which he is employed, his full rate
9 of salary, as fixed by ordinance or resolution, until the
10 disability arising therefrom has ceased. All medical and
11 hospital bills, incurred in connection with any such injury,
12 shall be paid by the Commonwealth of Pennsylvania or by the
13 Delaware River Port Authority or by such county, city, township
14 or municipality[.] unless the employe obtains medical care from
15 a physician or health care provider outside of the method
16 permitted under subsection (f). During the time salary for
17 temporary incapacity shall be paid by the Commonwealth of
18 Pennsylvania or by the Delaware River Port Authority or by the
19 county, city, borough, town or township, any workmen's
20 compensation, received or collected by any such employe for such
21 period, shall be turned over to the Commonwealth of Pennsylvania
22 or to the Delaware River Port Authority or to such county, city,
23 borough, town or township, and paid into the treasury thereof,
24 and if such payment shall not be so made by the employe the
25 amount so due the Commonwealth of Pennsylvania, the Delaware
26 River Port Authority or the county, city, borough, town or
27 township shall be deducted from any salary then or thereafter
28 becoming due and owing.

29 * * *

30 (e) Employes receiving benefits under this act shall be

1 prohibited from engaging in secondary employment outside of
2 their employment with the employer while receiving benefits
3 designated under this act. If an employe violates this section,
4 they may be subject to termination or the employer may cease
5 benefits.

6 (f) (1) Employers shall provide payment for reasonable
7 surgical and medical services, services rendered by physicians
8 or other health care providers, including an additional opinion
9 when invasive surgery may be necessary, medicines and supplies,
10 as and when needed. Provided, that an employer establishes a
11 list of at least six designated health care providers that
12 contain specialties that are appropriate for an anticipated
13 work-related medical problem or injury and are geographically
14 accessible with no more than four of whom may be a coordinated
15 care organization and no fewer than three of whom shall be
16 physicians, the employe shall be required to visit one of the
17 physicians or other health care providers so designated and
18 shall continue to visit the same or another designated physician
19 or health care provider for a period of ninety days from the
20 date of the first visit. The compiled list shall contain each
21 provider's name, address, telephone number and any specialties.

22 (2) The employer shall not include on the list a physician
23 or other health care provider who is employed, owned or
24 controlled by the employer unless employment, ownership or
25 control is disclosed on the list. Should invasive surgery for an
26 employe be prescribed by a physician or other health care
27 provider so designated by the employer, the employe shall be
28 permitted to receive an additional opinion from any health care
29 provider of the employe's own choice. If the additional opinion
30 differs from the opinion provided by the physician or health

1 care provider so designated by the employer, the employe shall
2 determine which course of treatment to follow: Provided, that
3 the second opinion provides a specific and detailed course of
4 treatment. If the employe chooses to follow the procedures
5 designated in the second opinion, such procedures shall be
6 performed by one of the physicians or other health care
7 providers so designated by the employer for a period of ninety
8 days from the date of the visit to the physician or other health
9 care provider of the employe's own choice. Should the employe
10 not comply with the foregoing, the employer will be relieved
11 from liability for the payment for the services rendered during
12 such applicable period.

13 (3) It shall be the duty of the employer to provide a
14 clearly written notification of the employe's rights and duties
15 under this section to the employe. The employer shall further
16 ensure that the employe has been informed and that the employe
17 understands these rights and duties. This duty shall be
18 evidenced only by the employe's written acknowledgment of having
19 been informed and having understood the employe's rights and
20 duties. Any failure of the employer to provide and evidence such
21 notification shall relieve the employe from any notification
22 duty owed, notwithstanding any provision of this act to the
23 contrary, and the employer shall remain liable for all rendered
24 treatment.

25 (4) Subsequent treatment may be provided by any health care
26 provider of the employe's own choice. Any employe who, next
27 following termination of the applicable period, is provided
28 treatment from a nondesignated health care provider shall notify
29 the employer within five days of the first visit to said health
30 care provider. Failure to so notify the employer will relieve

1 the employer from liability for the payment for the services
2 rendered prior to appropriate notice if such services are
3 determined unreasonable or unnecessary.

4 (5) Any provider who treats an injured employe shall be
5 required to file periodic reports with the employer on a form
6 prescribed by the employer which shall include, where pertinent,
7 history, diagnosis, treatment, prognosis and physical findings.
8 The report shall be filed within ten days of commencing
9 treatment and at least once a month thereafter as long as
10 treatment continues. The employer shall not be liable to pay for
11 such treatment until a report has been filed.

12 Section 2. Section 2.1 of the act is repealed:

13 [Section 2.1. For the purposes of this act, the term
14 "fireman" shall mean and include the following:

15 (1) Paid firemen not employed by the Commonwealth.

16 (2) Emergency medical services personnel employed within a
17 city fire department.

18 (3) Firemen of airport authorities, including fire
19 suppression instructors.

20 (4) Fire and safety marshals who are firemen employed by the
21 Commonwealth.

22 (5) Fire academy instructors employed at the State Fire
23 Academy.

24 (6) Assistant fire marshals employed by the Commonwealth.

25 (7) Forest patrolmen and forest technicians employed by the
26 Commonwealth.]

27 Section 3. The act is amended by adding sections to read:

28 Section 2.2. (a) Employes who receive benefits under this
29 act shall be required to file an affirmation on a quarterly
30 basis with the employer affirming that they are unable to work

1 and to ensure compliance with this act. An employe must affirm
2 in the quarterly affirmation that the employe is not receiving
3 income from secondary employment or other employment beyond the
4 employe's employer under this act while receiving benefits under
5 this act.

6 (b) The process and forms for quarterly affirmations shall
7 be provided by the employer.

8 (c) Quarterly affirmations may require the employe to submit
9 any pertinent medical documentation or information provided by a
10 physician or health care provider.

11 (d) Medical documentation or other pertinent medical
12 information requested by the employer to be included in a
13 quarterly affirmation shall have been performed by a physician
14 or health care provider within forty-five days of the submission
15 of the quarterly affirmation.

16 (e) Failure to file a quarterly affirmation or providing
17 false information on a quarterly affirmation may result in
18 termination or the loss of benefits provided under this act.

19 (f) If an employe is physically unable, due to a medical
20 condition, to file a quarterly affirmation, the employer shall
21 waive this requirement or make alternative arrangements with the
22 employe to fulfill this requirement.

23 (g) Annual reports must be compiled by each employer subject
24 to this act and posted on their publicly accessible Internet
25 website by December 31 of each year. Each report must contain
26 the expenses paid by the employer on benefits under this act,
27 other associated costs related to this act, as well as the
28 number of their employes receiving benefits in that calendar
29 year.

30 (h) Commencing on January 1, 2023, the Auditor General shall

1 establish a five-year reoccurring cycle where the Auditor
2 General audits the benefits and procedures provided under this
3 act for each employer subject to the requirements of this act.

4 (i) At the end of the five-year cycle or when all employers
5 have been audited, the Auditor General shall submit a report to
6 the Governor and the General Assembly. The report shall be
7 published on the Auditor General's publicly accessible Internet
8 website.

9 Section 2.3. The following words and phrases when used in
10 this act shall have the meanings given to them in this section
11 unless the context clearly indicates otherwise:

12 "Employer." Any agency, department, office, board,
13 commission, political subdivision, port authority or other
14 entity of the Commonwealth, and any recipient of State funds
15 that is subject to section 1(a).

16 "Fireman." Includes:

17 (1) Paid firemen not employed by the Commonwealth.

18 (2) Emergency medical services personnel employed within a
19 city fire department.

20 (3) Firemen of airport authorities, including fire
21 suppression instructors.

22 (4) Fire and safety marshals who are firemen employed by the
23 Commonwealth.

24 (5) Fire academy instructors employed at the State Fire
25 Academy.

26 (6) Assistant fire marshals employed by the Commonwealth.

27 (7) Forest patrolmen and forest technicians employed by the
28 Commonwealth.

29 "Health care provider." An individual licensed under the act
30 of December 20, 1985 (P.L.457, No.112), known as the "Medical

1 Practice Act of 1985."

2 "Physician." As defined in the "Medical Practice Act of
3 1985."

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