

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 711

Session of
1977

INTRODUCED BY MESSRS. BELLOMINI, ENGLEHART, DOMBROWSKI AND
PETRARCA, MARCH 23, 1977

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 12, 1978

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 CHANGING CERTAIN PROVISIONS RELATING TO PHYSICIANS, PROVIDING
10 FOR THE SUSPENSION OF COMPENSATION IN CERTAIN CASES, AND
11 MAKING EDITORIAL CHANGES.

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

14 Section 1. Subsection (f) of section 306, act of June 2,
15 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's
16 Compensation Act," reenacted and amended June 21, 1939 (P.L.520,
17 No.281), and amended December 5, 1974 (P.L.782, No.263), is
18 amended to read:

19 Section 306. The following schedule of compensation is
20 hereby established:

21 * * *

22 (f) (1) The employer shall provide payment for reasonable <—

1 surgical and medical services, services rendered by duly
2 licensed practitioners of the healing arts, medicines, and
3 supplies, as and when needed: Provided, That [the employe may <—
4 select a duly licensed practitioner of the healing arts of his
5 own choice, unless at least five physicians shall have been
6 designated by the employer or by the employer and the employe's
7 representative by agreement, in which instances the employe
8 shall select a physician from among those designated] ~~If a list <—~~
9 ~~of designated physicians is provided, the employe shall be~~
10 ~~required to visit one of the five physicians so designated for a~~
11 ~~period of seven days from the date of the first visit or~~
12 ~~treatment by said physician. Subsequent treatment may be~~
13 ~~provided by any physician and such treatment shall be paid for~~
14 ~~by the employer. In addition to the above service, the employer~~
15 IF A LIST OF AT LEAST FIVE DESIGNATED PHYSICIANS OR OTHER DULY <—
16 LICENSED PRACTITIONERS OF THE HEALING ARTS OR A COMBINATION
17 THEREOF IS PROVIDED BY THE EMPLOYER, THE EMPLOYE SHALL BE
18 REQUIRED TO VISIT ONE OF THE PHYSICIANS OR OTHER PRACTITIONERS
19 SO DESIGNATED AND SHALL CONTINUE TO VISIT THE SAME OR ANOTHER
20 PHYSICIAN OR PRACTITIONER FOR A PERIOD OF FOURTEEN DAYS FROM THE
21 DATE OF THE FIRST VISIT. SUBSEQUENT TREATMENT MAY BE PROVIDED BY
22 ANY PHYSICIAN OR ANY OTHER DULY LICENSED PRACTITIONER OF THE
23 HEALING ARTS OR A COMBINATION THEREOF, OF THE EMPLOYEES OWN
24 CHOICE, AND SUCH TREATMENT SHALL BE PAID FOR BY THE EMPLOYER.
25 ANY EMPLOYE WHO NEXT FOLLOWING THE TERMINATION OF THE FOURTEEN-
26 DAY PERIOD IS PROVIDED TREATMENT FROM A PHYSICIAN OR OTHER DULY
27 LICENSED PRACTITIONER OF THE HEALING ARTS WHO IS NOT ONE OF THE
28 PHYSICIANS OR PRACTITIONERS DESIGNATED BY THE EMPLOYER, SHALL
29 NOTIFY THE EMPLOYER WITHIN FIVE DAYS OF THE FIRST VISIT TO SAID
30 PHYSICIAN OR PRACTITIONER. HOWEVER, IF THE EMPLOYE FAILS TO SO

1 NOTIFY THE EMPLOYER, THE EMPLOYEE SHALL SUFFER NO LOSS OF RIGHTS
2 OR BENEFITS TO WHICH HE IS OTHERWISE ENTITLED UNDER THE ACT.

3 (2) IF AND ONLY IF THE EMPLOYER HAS DESIGNATED AT LEAST FIVE
4 PHYSICIANS OR OTHER DULY LICENSED PRACTITIONERS OF THE HEALING
5 ARTS OR A COMBINATION THEREOF AS PERMITTED BY THE PRECEDING
6 PARAGRAPH, THE FOLLOWING REPORTING PROVISIONS SHALL APPLY.
7 NOTHING IN THE FOLLOWING PARAGRAPHS SHALL ELIMINATE RIGHTS OF
8 THE EMPLOYER TO OBTAIN ALL RECORDS AND DATA AS PERMITTED UNDER
9 ANY OTHER SECTIONS OF THIS ACT.

10 (I) THE PHYSICIAN OR OTHER DULY LICENSED PRACTITIONER OF THE
11 HEALING ARTS SHALL BE REQUIRED TO FILE PERIODIC REPORTS WITH THE
12 EMPLOYER ON A FORM PRESCRIBED BY THE DEPARTMENT WHICH SHALL
13 INCLUDE, WHERE PERTINENT, HISTORY, DIAGNOSIS, TREATMENT,
14 PROGNOSIS AND PHYSICAL FINDINGS. THE REPORT SHALL BE FILED
15 WITHIN TWENTY-ONE DAYS OF COMMENCING TREATMENT AND AT LEAST ONCE
16 A MONTH THEREAFTER, AS LONG AS TREATMENT CONTINUES. THE EMPLOYER
17 SHALL NOT BE LIABLE TO PAY FOR SUCH TREATMENT UNTIL A REPORT HAS
18 BEEN FILED.

19 (II) THE EMPLOYER SHALL HAVE THE RIGHT TO PETITION THE BOARD <—
20 DEPARTMENT FOR REVIEW OF THE NECESSITY OR FREQUENCY OF TREATMENT
21 OR REASONABLENESS OF FEES FOR SERVICES PROVIDED BY A PHYSICIAN
22 OR OTHER DULY LICENSED PRACTITIONER OF THE HEALING ARTS. SUCH A
23 PETITION SHALL IN NO EVENT ACT AS A SUPERSEDEAS, AND DURING THE
24 PENDENCY OF ANY SUCH PETITION THE EMPLOYER SHALL PAY ALL MEDICAL
25 BILLS IF THE PHYSICIAN OR OTHER PRACTITIONER OF THE HEALING ARTS
26 FILES A REPORT OR REPORTS AS REQUIRED BY SUBPARAGRAPH (I) OF
27 PARAGRAPH (2) OF THIS SUBSECTION.

28 (3) AFTER AN EMPLOYEE HAS ELECTED TO BE TREATED BY A
29 PHYSICIAN OR OTHER DULY LICENSED PRACTITIONER OF THE HEALING
30 ARTS WHO IS NOT ONE OF THE PHYSICIANS OR PRACTITIONERS

1 DESIGNATED BY THE EMPLOYER, HE MAY THEREAFTER ELECT TO BE
2 TREATED BY ANOTHER PHYSICIAN OR OTHER DULY LICENSED PRACTITIONER
3 OF THE HEALING ARTS UPON NOTICE TO HIS EMPLOYER; PROVIDED,
4 HOWEVER, THAT NO SUCH NOTICE SHALL BE REQUIRED IN EMERGENCIES,
5 OR IN CASES OF REFERRALS BY ONE PHYSICIAN OR PRACTITIONER TO
6 ANOTHER PHYSICIAN OR PRACTITIONER OR IF THE NEW PHYSICIAN OR
7 PRACTITIONER MAKES A TIMELY REPORT TO THE EMPLOYER WITHIN
8 TWENTY-ONE DAYS AFTER COMMENCING TREATMENT.

9 (4) IN ADDITION TO THE ABOVE SERVICE, THE EMPLOYER shall
10 provide payment for medicines and supplies, hospital treatment,
11 services and supplies and orthopedic appliances, and prostheses.
12 The cost for such hospital treatment, service and supplies shall
13 not in any case exceed the prevailing charge in the hospital for
14 like services to other individuals. If the employe shall refuse
15 reasonable services of duly licensed practitioners of the
16 healing arts, surgical, medical and hospital services,
17 treatment, medicines and supplies, he shall forfeit all rights
18 to compensation for any injury or any increase in his incapacity
19 shown to have resulted from such refusal. Whenever an employe
20 shall have suffered the loss of a limb, part of a limb, or an
21 eye, the employer shall also provide payment for an artificial
22 limb or eye or other prostheses of a type and kind recommended
23 by the doctor attending such employe in connection with such
24 injury and any replacements for an artificial limb or eye which
25 the employe may require at any time thereafter, together with
26 such continued medical care as may be prescribed by the doctor
27 attending such employe in connection with such injury as well as
28 such training as may be required in the proper use of such
29 prostheses. The provisions of this section shall apply in
30 injuries whether or not loss of earning power occurs. If

1 hospital confinement is required, the employe shall be entitled
2 to semi-private accommodations but if no such facilities are
3 available, regardless of the patient's condition, the employer,
4 not the patient, shall be liable for the additional costs for
5 the facilities in a private room.

6 (5) The payment by an insurer for any medical, surgical or <—
7 hospital services or supplies after any statute of limitations
8 provided for in this act shall have expired shall not act to
9 reopen or review the compensation rights for purposes of such
10 limitations.

11 * * *

12 SECTION 2. SECTION 413 OF THE ACT IS AMENDED BY ADDING A <—
13 SUBSECTION TO READ:

14 SECTION 413. * * *

15 (C) NOTWITHSTANDING ANY PROVISION OF THIS ACT, AN EMPLOYER
16 MAY SUSPEND THE COMPENSATION DURING THE TIME THE EMPLOYEE HAS
17 RETURNED TO WORK AT HIS PRIOR OR INCREASED EARNINGS IF THE
18 EMPLOYER FILES A PETITION TO TERMINATE OR MODIFY A NOTICE OF
19 COMPENSATION PAYABLE OR A COMPENSATION AGREEMENT OR AWARD WITHIN
20 FIFTEEN DAYS OF THE RETURN TO WORK.

21 Section ~~2~~ 3. This act shall take effect in 60 days. <—