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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 711

Session of  
1977

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

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

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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. <—