

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 808 Session of 2011

INTRODUCED BY HICKERNELL, MILLER, AUMENT, BAKER, BOYD, CAUSER, CLYMER, CUTLER, DENLINGER, FLECK, GEIST, GINGRICH, GRELL, GROVE, HARRIS, HESS, KAUFFMAN, MAJOR, METCALFE, MILNE, MOUL, MULLERY, PICKETT, RAPP, ROCK, STERN AND STEVENSON, FEBRUARY 24, 2011

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 24, 2011

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," in liability and compensation,
8 further providing for the schedule of compensation.

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

11 Section 1. Section 306(f.1)(1) 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 306. The following schedule of compensation is
16 hereby established:

17 * * *

18 (f.1) (1) (i) The employer shall provide payment in
19 accordance with this section for reasonable surgical and medical

1 services, services rendered by physicians or other health care
2 providers, including an additional opinion when invasive surgery
3 may be necessary, medicines and supplies, as and when needed.
4 Provided an employer establishes a list of at least six
5 designated health care providers, no more than four of whom may
6 be a coordinated care organization and no fewer than three of
7 whom shall be physicians, the employe shall be required to visit
8 one of the physicians or other health care providers so
9 designated and shall continue to visit the same or another
10 designated physician or health care provider for a period of
11 [ninety (90)] one hundred eighty (180) days from the date of the
12 first visit: Provided, however, That the employer shall not
13 include on the list a physician or other health care provider
14 who is employed, owned or controlled by the employer or the
15 employer's insurer unless employment, ownership or control is
16 disclosed on the list. Should invasive surgery for an employe be
17 prescribed by a physician or other health care provider so
18 designated by the employer, the employe shall be permitted to
19 receive an additional opinion from any health care provider of
20 the employe's own choice. If the additional opinion differs from
21 the opinion provided by the physician or health care provider so
22 designated by the employer, the employe shall determine which
23 course of treatment to follow: Provided, That the second opinion
24 provides a specific and detailed course of treatment. If the
25 employe chooses to follow the procedures designated in the
26 second opinion, such procedures shall be performed by one of the
27 physicians or other health care providers so designated by the
28 employer for a period of ninety (90) days from the date of the
29 visit to the physician or other health care provider of the
30 employe's own choice. Should the employe not comply with the

1 foregoing, the employer will be relieved from liability for the
2 payment for the services rendered during such applicable period.
3 It shall be the duty of the employer to provide a clearly
4 written notification of the employe's rights and duties under
5 this section to the employe. The employer shall further ensure
6 that the employe has been informed and that he understands these
7 rights and duties. This duty shall be evidenced only by the
8 employe's written acknowledgment of having been informed and
9 having understood his rights and duties. Any failure of the
10 employer to provide and evidence such notification shall relieve
11 the employe from any notification duty owed, notwithstanding any
12 provision of this act to the contrary, and the employer shall
13 remain liable for all rendered treatment. Subsequent treatment
14 may be provided by any health care provider of the employe's own
15 choice. Any employe who, next following termination of the
16 applicable period, is provided treatment from a nondesignated
17 health care provider shall notify the employer within five (5)
18 days of the first visit to said health care provider. Failure to
19 so notify the employer will relieve the employer from liability
20 for the payment for the services rendered prior to appropriate
21 notice if such services are determined pursuant to paragraph (6)
22 to have been unreasonable or unnecessary.

23 (ii) In addition to the above service, the employer shall
24 provide payment for medicines and supplies, hospital treatment,
25 services and supplies and orthopedic appliances, and prostheses
26 in accordance with this section. Whenever an employe shall have
27 suffered the loss of a limb, part of a limb, or an eye, the
28 employer shall also provide for an artificial limb or eye or
29 other prostheses of a type and kind recommended by the doctor
30 attending such employe in connection with such injury and any

1 replacements for an artificial limb or eye which the employe may
2 require at any time thereafter, together with such continued
3 medical care as may be prescribed by the doctor attending such
4 employe in connection with such injury as well as such training
5 as may be required in the proper use of such prostheses. The
6 provisions of this section shall apply to injuries whether or
7 not loss of earning power occurs. If hospital confinement is
8 required, the employe shall be entitled to semiprivate
9 accommodations, but, if no such facilities are available,
10 regardless of the patient's condition, the employer, not the
11 patient, shall be liable for the additional costs for the
12 facilities in a private room.

13 (iii) Nothing in this section shall prohibit an insurer or
14 an employer from contracting with any individual, partnership,
15 association or corporation to provide case management and
16 coordination of services with regard to injured employes.

17 * * *

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