
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 421 Session of
2021

INTRODUCED BY HICKERNELL, GLEIM, KAUFFMAN, MENTZER, MILLARD,
MOUL AND ZIMMERMAN, FEBRUARY 4, 2021

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 4, 2021

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An
2 act defining the liability of an employer to pay damages for
3 injuries received by an employe in the course of employment;
4 establishing an elective schedule of compensation; providing
5 procedure for the determination of liability and compensation
6 thereunder; and prescribing penalties," in liability and
7 compensation, further providing for schedule of compensation;
8 and, in Uninsured Employers Guaranty Fund, further providing
9 for claims.

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

12 Section 1. Sections 306(f.1)(1)(i) and 1603(e)(2) and (4) of
13 the act of June 2, 1915 (P.L.736, No.338), known as the Workers'
14 Compensation Act, are 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
20 services, services rendered by physicians or other health care
21 providers, including an additional opinion when invasive surgery

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

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

22 * * *

23 Section 1603. Claims.

24 * * *

25 (e) List of providers.--

26 * * *

27 (2) If the fund establishes a list under paragraph (1),
28 the fund shall be responsible only to reimburse expenses of
29 medical treatments, services and accommodations rendered by
30 the physicians or other health care providers that are

1 designated on the list [for the period provided in section
2 306(f.1) (1) from the date of the employee's notice to the
3 fund under subsection (b)].

4 * * *

5 (4) If the employee receives medical treatments,
6 services or accommodations from a health care provider that
7 is not designated on the list, the fund shall be relieved of
8 liability for the payment of medical treatments, services or
9 accommodations rendered [during the period provided in
10 section 306(f.1) (1) from the date of the employee's notice to
11 the fund under subsection (b)].

12 Section 2. The amendment of sections 306(f.1) (1) (i) and
13 1603(e) (2) and (4) of the act shall apply to claims for which
14 the date of injury is on or after the effective date of this
15 act.

16 Section 3. This act shall take effect in 120 days.