

State of Arkansas
95th General Assembly
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A Bill

SENATE BILL 288

By: Senator J. Payton

Filed with: Senate Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO MODIFY A PHYSICIAN CHANGE UNDER THE
WORKERS' COMPENSATION LAW THAT RESULTED FROM
INITIATED MEASURE 1948, NO. 4; AND FOR OTHER
PURPOSES.

Subtitle

TO MODIFY A PHYSICIAN CHANGE UNDER THE
WORKERS' COMPENSATION LAW THAT RESULTED
FROM INITIATED MEASURE 1948, NO. 4.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 11-9-514(a), concerning medical services
and supplies and a change of physician under the Workers' Compensation Law,
is amended to read as follows:

(a)(1) If the employee selects a physician, the Workers' Compensation
Commission shall not authorize a change of physician unless the employee
first establishes to the satisfaction of the commission that there is a
compelling reason or circumstance justifying a change.

(2)(A)(i) If the employer selects a physician to encourage
continuity of care and improved outcomes, the claimant may petition the
commission one (1) time only for a change of physician, and if the commission
approves the change with or without a hearing, the commission shall determine
the second physician and shall not be bound by recommendations of claimant or

1 respondent.

2 (ii) A physician may make appropriate referrals to
3 relevant specialists for necessary medical treatment.

4 (iii) In addition to a change to the regular
5 physician under subdivision (a)(2)(A)(i) of this section, no more than once
6 per year, the injured employee has the right to petition the commission for a
7 change of physician to:

8 (a) Another physician who is associated with a
9 managed care entity certified by the commission or otherwise agrees to the
10 commission rules and fee schedule; and

11 (b) An appropriate specialist who is
12 associated with a managed care entity certified by the commission or
13 otherwise agrees to the commission rules and fee schedule.

14 (iv) This subdivision (a)(2)(A) recognizes that an
15 injured employee may require treatment from multiple specialists and an
16 injured worker may obtain one (1) change of a specialist per year for each
17 relevant specialty.

18 (B) However, if the change desired by the claimant is to a
19 chiropractic physician, optometrist, or podiatrist, the claimant may make the
20 change by giving advance written notification to the employer or carrier.

21 ~~(3) Following establishment of an Arkansas managed care system~~
22 ~~as provided in § 11-9-508, subdivisions (a)(1) and (2) of this section shall~~
23 ~~become null and void, and thereafter:~~

24 ~~(A)(i) The employer shall have the right to select the~~
25 ~~initial primary care physician from among those associated with managed care~~
26 ~~entities certified by the commission as provided in § 11-9-508.~~

27 ~~(ii) Where the employer has contracted with a~~
28 ~~managed care organization certified by the commission, the claimant employee,~~
29 ~~however, shall be allowed to change physicians by petitioning the commission~~
30 ~~one (1) time only for a change of physician to a physician who must either be~~
31 ~~associated with the managed care entity chosen by the employer or be the~~
32 ~~regular treating physician of the employee who maintains the employee's~~
33 ~~medical records and with whom the employee has a bona fide doctor-patient~~
34 ~~relationship demonstrated by a history of regular treatment prior to the~~
35 ~~onset of the compensable injury but only if the primary care physician agrees~~
36 ~~to refer the employee to the managed care entity chosen by the employer for~~

1 ~~any specialized treatment, including physical therapy, and only if the~~
2 ~~primary care physician agrees to comply with all the rules, terms, and~~
3 ~~conditions regarding services performed by the managed care entity chosen by~~
4 ~~the employer.~~

5 ~~(iii) Where the employer does not have a contract~~
6 ~~with a managed care organization certified by the commission, the claimant~~
7 ~~employee, however, shall be allowed to change physicians by petitioning the~~
8 ~~commission one (1) time only for a change of physician, to a physician who~~
9 ~~must either be associated with any managed care entity certified by the~~
10 ~~commission or be the regular treating physician of the employee who maintains~~
11 ~~the employee's medical records and with whom the employee has a bona fide~~
12 ~~doctor-patient relationship demonstrated by a history of regular treatment~~
13 ~~prior to the onset of the compensable injury, but only if the primary care~~
14 ~~physician agrees to refer the employee to a physician associated with any~~
15 ~~managed care entity certified by the commission for any specialized~~
16 ~~treatment, including physical therapy, and only if the primary care physician~~
17 ~~agrees to comply with all the rules, terms, and conditions regarding services~~
18 ~~performed by any managed care entity certified by the commission.~~

19 ~~(B)(3)~~ A petition for change of physician shall be expedited by
20 the commission.
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23 Referred requested by the Arkansas Senate

24 Prepared by: ANS/AMS
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