

INTERIM STUDY PROPOSAL 2025-027

State of Arkansas
95th General Assembly
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A Bill

SENATE BILL 284

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

TO MODIFY THE EMPLOYER'S LIABILITY UNDER THE WORKERS'
COMPENSATION LAW THAT RESULTED FROM INITIATED MEASURE
1948, NO. 4; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY THE EMPLOYER'S LIABILITY 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 § 11-9-508(c) and (d), concerning the system
of managed health care established by the Workers' Compensation Commission,
are amended to read as follows:

(c) In order to help control the cost of medical benefits, the
commission, ~~on or before July 1, 1994, following a public hearing and with~~
~~the assistance and cooperation of the State Insurance Department, is~~
~~authorized and directed to establish appropriate rules to establish and~~
~~implement~~ shall maintain a system of managed health care for the State of
Arkansas.

(d) For the purpose of establishing and implementing a system of
managed health care, the commission is authorized to:

(1) Develop rules for the certification of managed care entities

1 to provide managed care to injured workers;

2 (2) Develop rules for peer review, service utilization, and
3 resolution of medical disputes;

4 (3) Prohibit "balance billing" from the employee, employer, or
5 carrier;

6 (4)(A) Establish fees for medical services as provided in
7 Workers' Compensation Commission Rule 30 and its amendments.

8 (B) The commission shall make no distinction in approving
9 fees from different classes of medical service providers or healthcare
10 providers for provision of the same or essentially similar medical services
11 or healthcare services as specified in this section; and

12 (5)(A)(i) Give the employer the right to choose the initial
13 treating physician, ~~with the injured employee having the right to petition~~
14 ~~the commission for a one-time-only change of physician to one who is~~
15 ~~associated with a managed care entity certified by the commission or is to~~
16 encourage continuity of care and improved outcomes, an injured worker has the
17 right to be treated by the regular treating physician of the employee who
18 maintains the employee's medical records and with whom the employee has a
19 bona fide doctor-patient relationship demonstrated by a history of regular
20 treatment prior to the onset of the compensable injury, ~~but only if the~~
21 ~~primary care physician agrees to refer the employee to a certified managed~~
22 ~~care entity for any specialized treatment,~~ including physical therapy, and
23 only if such primary care physician agrees to comply with all the rules,
24 terms, and conditions regarding services performed by the managed care entity
25 initially chosen by the employer or otherwise agrees to the commission rules
26 and fee schedule.

27 (ii) A treating physician shall make appropriate
28 referrals to relevant specialists for necessary medical treatment if the
29 primary care physician agrees to refer the employee to a certified managed
30 care entity for any specialized treatment.

31 (iii) In addition to a change to the regular
32 treating physician under subdivision (d)(5)(A)(i) of this section, no more
33 than once per year, the injured employee has the right to petition the
34 commission for a change of treating physician to:

35 (a) Another treating physician who is
36 associated with a managed care entity certified by the commission or

1 otherwise agrees to the commission rules and fee schedule; or

2 (b) An appropriate specialist physician who is
3 associated with a managed care entity certified by the commission or
4 otherwise agrees to the commission rules and fee schedule.

5 (iv) This subdivision (5)(A) specifically recognizes
6 that an injured employee may require treatment from multiple specialists and
7 an injured worker may obtain one (1) change of a specialist physician per
8 year for each relevant specialty.

9 (B) A petition for change of physician shall be expedited
10 by the commission.

11
12 SECTION 2. Arkansas Code § 11-9-508, concerning the employer's
13 liability for medical services under the Workers' Compensation Law, is
14 amended to add an additional subsection to read as follows:

15 (g)(1) The employer shall petition the commission for approval of any
16 independent medical exam.

17 (2) The petition described in subdivision (g)(1) of this section
18 shall include the identity of, credentials of, and fees to be paid to the
19 examiner conducting the independent medical exam and the stated purpose of
20 the independent medical exam.

21 (3) All correspondence, records, and reports provided to the
22 examiner conducting the independent medical exam shall be furnished to the
23 claimant or claimant's counsel at the time the correspondence, records, and
24 reports are transmitted to the examiner conducting the independent medical
25 exam.

26 (4) A record or report generated by the examiner conducting the
27 independent medical exam shall be promptly furnished to the claimant or
28 claimant's counsel.

29 (5)(A) The claimant has the right to depose the examiner
30 conducting the independent medical exam.

31 (B) If the claimant deposes the examiner conducting the
32 independent medical exam under subdivision (g)(5)(A) of this section, the
33 claimant shall:

34 (i) Pay a witness fee to the examiner conducting the
35 independent medical exam at the rate specified under Commission Rule 099.30
36 (I)(P); and

1 (ii) Be responsible for payment of any court
2 reporter expenses.

3 (6) This subsection applies to any record review, peer review,
4 report, second opinion, or consultation obtained by the employer for use in
5 proceedings before the commission.

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8 Referred requested by the Arkansas Senate

9 Prepared by: ANS/AMS