

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 526, Page 1, in the Title, Lines 2-3, by
2 deleting "a database for workers' compensation claims" and inserting in lieu thereof "workers'
3 compensation"; and
4

5 Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

6 "287.140. 1. In addition to all other compensation paid to the employee under this section,
7 the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and
8 hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be
9 required after the injury or disability, to cure and relieve from the effects of the injury. If the
10 employee desires, he shall have the right to select his own physician, surgeon, or other such
11 requirement at his own expense. Where the requirements are furnished by a public hospital or other
12 institution, payment therefor shall be made to the proper authorities. Regardless of whether the
13 health care provider is selected by the employer or is selected by the employee at the employee's
14 expense, the health care provider shall have the affirmative duty to communicate fully with the
15 employee regarding the nature of the employee's injury and recommended treatment exclusive of any
16 evaluation for a permanent disability rating. Failure to perform such duty to communicate shall
17 constitute a disciplinary violation by the provider subject to the provisions of chapter 620. When an
18 employee is required to submit to medical examinations or necessary medical treatment at a place
19 outside of the local or metropolitan area from the employee's principal place of employment, the
20 employer or its insurer shall advance or reimburse the employee for all necessary and reasonable
21 expenses; except that an injured employee who resides outside the state of Missouri and who is
22 employed by an employer located in Missouri shall have the option of selecting the location of
23 services provided in this section either at a location within one hundred miles of the injured
24 employee's residence, place of injury or place of hire by the employer. The choice of provider within
25 the location selected shall continue to be made by the employer. In case of a medical examination if
26 a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to
27 the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid
28 and same shall be paid by the employer prior to the medical examination. In no event, however,
29 shall the employer or its insurer be required to pay transportation costs for a greater distance than
30 two hundred fifty miles each way from place of treatment.

31 2. If it be shown to the division or the commission that the requirements are being furnished
32 in such manner that there is reasonable ground for believing that the life, health, or recovery of the
33 employee is endangered thereby, the division or the commission may order a change in the
34 physician, surgeon, hospital or other requirement.

35 3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to
36 regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A

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1 health care provider shall not charge a fee for treatment and care which is governed by the provisions
2 of this chapter greater than the usual and customary fee the provider receives for the same treatment
3 or service when the payor for such treatment or service is a private individual or a private health
4 insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation
5 cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care
6 provider is bound by the determination upon the reasonableness of health care bills.

7 4. The division shall, by regulation, establish methods to resolve disputes concerning the
8 reasonableness of medical charges, services, or aids. This regulation shall govern resolution of
9 disputes between employers and medical providers over fees charged, whether or not paid, and shall
10 be in lieu of any other administrative procedure under this chapter. The employee shall not be a
11 party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized
12 because of such dispute. Any application for payment of additional reimbursement, as such term is
13 used in 8 CSR 50-2.030, as amended, shall be filed not later than:

14 (1) Two years from the date the first notice of dispute of the medical charge was received by
15 the health care provider if such services were rendered before July 1, 2013; and

16 (2) One year from the date the first notice of dispute of the medical charge was received by
17 the health care provider if such services were rendered after July 1, 2013.

18 Notice shall be presumed to occur no later than five business days after transmission by certified
19 United States mail. For the purposes of this section, the phrase "notice of dispute" shall include, but
20 not be limited to, an explanation of benefits delivered with final payment of the medical fee or
21 charge that evidences that the payment is considered to be the full payment of the fee or charge.

22 5. No compensation shall be payable for the death or disability of an employee, if and
23 insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal
24 to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the
25 division or the commission, inconsiderable in view of the seriousness of the injury. If the employee
26 dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused
27 by the injury.

28 6. The testimony of any physician or chiropractic physician who treated the employee shall
29 be admissible in evidence in any proceedings for compensation under this chapter, subject to all of
30 the provisions of section 287.210.

31 7. Every hospital or other person furnishing the employee with medical aid shall permit its
32 record to be copied by and shall furnish full information to the division or the commission, the
33 employer, the employee or his dependents and any other party to any proceedings for compensation
34 under this chapter, and certified copies of the records shall be admissible in evidence in any such
35 proceedings.

36 8. The employer may be required by the division or the commission to furnish an injured
37 employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed,
38 for life whenever the division or the commission shall find that the injured employee may be
39 partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of
40 the division shall establish a procedure whereby a claim for compensation may be reactivated after
41 settlement of such claim is completed. The claim shall be reactivated only after the claimant can
42 show good cause for the reactivation of this claim and the claim shall be made only for the payment
43 of medical procedures involving life-threatening surgical procedures or if the claimant requires the
44 use of a new, or the modification, alteration or exchange of an existing, prosthetic device. For the
45 purpose of this subsection, "life threatening" shall mean a situation or condition which, if not treated
46 immediately, will likely result in the death of the injured worker.

47 9. Nothing in this chapter shall prevent an employee being provided treatment for his
48 injuries by prayer or spiritual means if the employer does not object to the treatment.

1 10. The employer shall have the right to select the licensed treating physician, surgeon,
2 chiropractic physician, or other health care provider; provided, however, that such physicians,
3 surgeons or other health care providers shall offer only those services authorized within the scope of
4 their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

5 11. Any physician or other health care provider who orders, directs or refers a patient for
6 treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time
7 of the referral, disclose in writing if such health care provider, any of his partners or his employer
8 has a financial interest in the institution or facility to which the patient is being referred, to the
9 following:

10 (1) The patient;

11 (2) The employer of the patient with workers' compensation liability for the injury or disease
12 being treated;

13 (3) The workers' compensation insurer of such employer; and

14 (4) The workers' compensation adjusting company for such insurer.

15 12. Violation of subsection 11 of this section is a class A misdemeanor.

16 13. (1) No hospital, physician or other health care provider, other than a hospital, physician
17 or health care provider selected by the employee at his own expense pursuant to subsection 1 of this
18 section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an
19 employee due to a work-related injury or report to any credit reporting agency any failure of the
20 employee to make such payment, when an injury covered by this chapter has occurred and such
21 hospital, physician or health care provider has received actual notice given in writing by the
22 employee, the employer or the employer's insurer. Actual notice shall be deemed received by the
23 hospital, physician or health care provider five days after mailing by certified mail by the employer
24 or insurer to the hospital, physician or health care provider.

25 (2) The notice shall include:

26 (a) The name of the employer;

27 (b) The name of the insurer, if known;

28 (c) The name of the employee receiving the services;

29 (d) The general nature of the injury, if known; and

30 (e) Where a claim has been filed, the claim number, if known.

31 (3) When an injury is found to be noncompensable under this chapter, the hospital, physician
32 or other health care provider shall be entitled to pursue the employee for any unpaid portion of the
33 fee or other charges for authorized services provided to the employee. Any applicable statute of
34 limitations for an action for such fees or other charges shall be tolled from the time notice is given to
35 the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this
36 subsection, until a determination of noncompensability in regard to the injury which is the basis of
37 such services is made, or in the event there is an appeal to the labor and industrial relations
38 commission, until a decision is rendered by that commission.

39 (4) If a hospital, physician or other health care provider or a debt collector on behalf of such
40 hospital, physician or other health care provider pursues any action to collect from an employee after
41 such notice is properly given, the employee shall have a cause of action against the hospital,
42 physician or other health care provider for actual damages sustained plus up to one thousand dollars
43 in additional damages, costs and reasonable attorney's fees.

44 (5) If an employer or insurer fails to make payment for authorized services provided to the
45 employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital,
46 physician or other health care provider may proceed pursuant to subsection 4 of this section with a
47 dispute against the employer or insurer for any fees or other charges for services provided.

48 (6) A hospital, physician or other health care provider whose services have been authorized

1 in advance by the employer or insurer may give notice to the division of any claim for fees or other
2 charges for services provided for a work-related injury that is covered by this chapter, with copies of
3 the notice to the employee, employer and the employer's insurer. Where such notice has been filed,
4 the administrative law judge may order direct payment from the proceeds of any settlement or award
5 to the hospital, physician or other health care provider for such fees as are determined by the
6 division. The notice shall be on a form prescribed by the division.

7 14. The employer may allow or require an employee to use any of the employee's
8 accumulated paid leave, personal leave, or medical or sick leave to attend to medical treatment,
9 physical rehabilitation, or medical evaluations during work time. The intent of this subsection is to
10 specifically supercede and abrogate any case law that contradicts the express language of this
11 section."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.