

HOUSE BILL No. 2318

By Committee on Commerce and Labor

2-7

9 AN ACT concerning the workers compensation act; relating to medical
10 compensation; amending K.S.A. 2004 Supp. 44-510h and repealing the
11 existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2004 Supp. 44-510h is hereby amended to read as
15 follows: 44-510h. (a) It shall be the duty of the employer to provide the
16 services of a health care provider *designated by the injured employee*, and
17 such medical, surgical and hospital treatment, including nursing, medi-
18 cines, medical and surgical supplies, ambulance, crutches, apparatus and
19 transportation to and from the home of the injured employee to a place
20 outside the community in which such employee resides, and within such
21 community if the director, in the director's discretion, so orders, including
22 transportation expenses computed in accordance with subsection (a) of
23 K.S.A. 44-515 and amendments thereto, as may be reasonably necessary
24 to cure and relieve the employee from the effects of the injury. *If the*
25 *injured employee is dissatisfied with the services rendered by the initial*
26 *designated health care provider, the injured employee may designate a*
27 *different health care provider to provide medical services once without*
28 *showing just cause. Any other changes in the injured employee's desig-*
29 *nated health care provider must be for just cause and by order of the*
30 *director following a preliminary hearing in accordance with K.S.A. 44-*
31 *534a and amendments thereto. Medical case managers are allowed to*
32 *attend medical appointments only with prior written approval of both the*
33 *designated health care provider and the injured employee.*

34 (b) (1) If the director finds, upon application of an injured employee,
35 that the services of the health care provider furnished as provided in
36 subsection (a) and rendered on behalf of the injured employee are not
37 satisfactory, the director may authorize the appointment of some other
38 health care provider. In any such case, the employer shall submit the
39 names of three health care providers who, if possible given the availability
40 of local health care providers, are not associated in practice together. The
41 injured employee may select one from the list who shall be the authorized
42 treating health care provider. If the injured employee is unable to obtain
43 satisfactory services from any of the health care providers submitted by

1 the employer under this paragraph, either party or both parties may re-
2 quest the director to select a treating health care provider.

3 (2) Without application or approval, an employee may consult a
4 health care provider of the employee's choice for the purpose of exami-
5 nation, diagnosis or treatment, but the employer shall only be liable for
6 the fees and charges of such health care provider up to a total amount of
7 \$500. The amount allowed for such examination, diagnosis or treatment
8 shall not be used to obtain a functional impairment rating. Any medical
9 opinion obtained in violation of this prohibition shall not be admissible
10 in any claim proceedings under the workers compensation act.

11 (c) An injured employee whose injury or disability has been estab-
12 lished under the workers compensation act may rely, if done in good faith,
13 solely or partially on treatment by prayer or spiritual means in accordance
14 with the tenets of practice of a church or religious denomination without
15 suffering a loss of benefits subject to the following conditions:

16 (1) The employer or the employer's insurance carrier agrees thereto
17 in writing either before or after the injury;

18 (2) the employee submits to all physical examinations required by the
19 workers compensation act;

20 (3) the cost of such treatment shall be paid by the employee unless
21 the employer or insurance carrier agrees to make such payment;

22 (4) the injured employee shall be entitled only to benefits that would
23 reasonably have been expected had such employee undergone medical
24 or surgical treatment; and

25 (5) the employer or insurance carrier that made an agreement under
26 paragraph (1) or (3) of this subsection may withdraw from the agreement
27 on 10 days' written notice.

28 (d) In any employment to which the workers compensation act ap-
29 plies, the employer shall be liable to each employee who is employed as
30 a duly authorized law enforcement officer, firefighter, driver of an am-
31 bulance as defined in subsection (b) of K.S.A. 65-6112, and amendments
32 thereto, an ambulance attendant as defined in subsection (d) of K.S.A.
33 65-6112, and amendments thereto, or a member of a regional emergency
34 medical response team as provided in K.S.A. 48-928, and amendments
35 thereto, including any person who is serving on a volunteer basis in such
36 capacity, for all reasonable and necessary preventive medical care and
37 treatment for hepatitis to which such employee is exposed under circum-
38 stances arising out of and in the course of employment.

39 Sec. 2. K.S.A. 2004 Supp. 44-510h is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
41 publication in the statute book.