

## HOUSE BILL No. 2527

By Representative Powers

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AN ACT concerning workers compensation; relating to medical compensation; amending K.S.A. 2003 Supp. 44-510h and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 44-510h is hereby amended to read as follows: 44-510h. (a) It shall be the duty of the employer to provide the services of a health care provider, and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides, and within such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515 and amendments thereto, as may be reasonably necessary to cure and relieve the employee from the effects of the injury. *The employee shall have the right to choose the initial health care provider to provide medical compensation benefits on the employee's behalf. If the services provided by the health care provider initially chosen by the employee are unsatisfactory to the employee, the employee shall be entitled to health care services provided by a health care provider of the employer's choice.*

(b) (1) If the director finds, upon application of an injured employee, that the services of the health care provider furnished as provided in subsection (a) and rendered on behalf of the injured employee are not satisfactory, the director may authorize the appointment of some other health care provider. In any such case, the employer shall submit the names of three health care providers who, if possible given the availability of local health care providers, are not associated in practice together. The injured employee may select one from the list who shall be the authorized treating health care provider. If the injured employee is unable to obtain satisfactory services from any of the health care providers submitted by the employer under this paragraph, either party or both parties may request the director to select a treating health care provider.

(2) Without application or approval, an employee may consult a *another* health care provider of the employee's choice for the purpose of

1 examination, diagnosis or treatment, but the employer shall only be liable  
2 for the fees and charges of such health care provider up to a total amount  
3 of \$500. The amount allowed for such examination, diagnosis or treatment  
4 shall not be used to obtain a functional impairment rating. Any medical  
5 opinion obtained in violation of this prohibition shall not be admissible  
6 in any claim proceedings under the workers compensation act.

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

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

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

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

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

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

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

35 Sec. 2. K.S.A. 2003 Supp. 44-510h is hereby repealed.

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

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