

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 613, Page 1, Section A, Line 3, by  
2 inserting immediately after said line the following:

3 "287.140. 1. In addition to all other compensation paid to the employee under this section,  
4 the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and  
5 hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be  
6 required after the injury or disability, to cure and relieve from the effects of the injury. If the  
7 employee desires, he shall have the right to select his own physician, surgeon, or other such  
8 requirement at his own expense. Where the requirements are furnished by a public hospital or other  
9 institution, payment therefor shall be made to the proper authorities. Regardless of whether the  
10 health care provider is selected by the employer or is selected by the employee at the employee's  
11 expense, the health care provider shall have the affirmative duty to communicate fully with the  
12 employee regarding the nature of the employee's injury and recommended treatment exclusive of  
13 any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall  
14 constitute a disciplinary violation by the provider subject to the provisions of chapter 620. When an  
15 employee is required to submit to medical examinations or necessary medical treatment at a place  
16 outside of the local or metropolitan area from the employee's principal place of employment, the  
17 employer or its insurer shall advance or reimburse the employee for all necessary and reasonable  
18 expenses; except that an injured employee who resides outside the state of Missouri and who is  
19 employed by an employer located in Missouri shall have the option of selecting the location of  
20 services provided in this section either at a location within one hundred miles of the injured  
21 employee's residence, place of injury or place of hire by the employer. The choice of provider  
22 within the location selected shall continue to be made by the employer. In case of a medical  
23 examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be  
24 presented to the legal advisor, the administrative law judge or the commission, who shall set the  
25 sum to be paid and same shall be paid by the employer prior to the medical examination. In no  
26 event, however, shall the employer or its insurer be required to pay transportation costs for a greater  
27 distance than two hundred fifty miles each way from place of treatment.

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

32 3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to  
33 regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases.  
34 A health care provider shall not charge a fee for treatment and care which is governed by the  
35 provisions of this chapter greater than the usual and customary fee the provider receives for the  
36 same treatment or service when the payor for such treatment or service is a private individual or a

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1 private health insurance carrier. The division or the commission, or the board of rehabilitation in  
2 rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such  
3 charges. A health care provider is bound by the determination upon the reasonableness of health  
4 care bills.

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

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

14 (2) One year 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 after July 1, 2013.

16  
17 Notice shall be presumed to occur no later than five business days after transmission by certified  
18 United States mail. For the purposes of this section, the phrase "notice of dispute" means a written  
19 explanation of benefits clearly including the term "Notice of Fee Dispute", which prominently  
20 evidences the payment is considered to be the full payment of the fee or charge.

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

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

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

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

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

48 10. The employer shall have the right to select the licensed treating physician, surgeon,

1 chiropractic physician, or other health care provider; provided, however, that such physicians,  
2 surgeons or other health care providers shall offer only those services authorized within the scope of  
3 their licenses. For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.

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

9 (1) The patient;

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

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

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

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

15 13. (1) No hospital, physician or other health care provider, other than a hospital, physician  
16 or health care provider selected by the employee at his own expense pursuant to subsection 1 of this  
17 section, shall bill or attempt to collect any fee or any portion of a fee for services rendered to an  
18 employee due to a work-related injury or report to any credit reporting agency any failure of the  
19 employee to make such payment, when an injury covered by this chapter has occurred and such  
20 hospital, physician or health care provider has received actual notice given in writing by the  
21 employee, the employer or the employer's insurer. Actual notice shall be deemed received by the  
22 hospital, physician or health care provider five days after mailing by certified mail by the employer  
23 or insurer to the hospital, physician or health care provider.

24 (2) The notice shall include:

25 (a) The name of the employer;

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

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

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

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

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

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

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

47 (6) A hospital, physician or other health care provider whose services have been authorized  
48 in advance by the employer or insurer may give notice to the division of any claim for fees or other

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

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

11  
12 Further amend said bill by amending the title, enacting clause, and intersectional references  
13 accordingly.