

SENATE CS FOR CS FOR HOUSE BILL NO. 274(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/6/02

Referred: Rules

Sponsor(s): REPRESENTATIVES COGHILL, Hayes, Green, Foster, James

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the qualification of a physician used for an employer's independent**
2 **medical examination; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 23.30.095(e) is amended to read:

5 (e) The employee shall, after an injury, at reasonable times during the
6 continuance of the disability, if requested by the employer or when ordered by the
7 board, submit to an examination by a physician or surgeon of the employer's choice
8 authorized to practice medicine under the laws of the jurisdiction in which the
9 examination occurs [PHYSICIAN RESIDES], furnished and paid for by the
10 employer. The employer may not make more than one change in the employer's
11 choice of a physician or surgeon without the written consent of the employee.
12 Referral to a specialist by the employer's physician is not considered a change in
13 physicians. An examination requested by the employer not less than 14 days after
14 injury, and every 60 days thereafter, shall be presumed to be reasonable, and the

1 employee shall submit to the examination without further request or order by the
2 board. Unless medically appropriate, the physician shall use existing diagnostic data
3 to complete the examination. Facts relative to the injury or claim communicated to or
4 otherwise learned by a physician or surgeon who may have attended or examined the
5 employee, or who may have been present at an examination are not privileged, either
6 in the hearings provided for in this chapter or an action to recover damages against an
7 employer who is subject to the compensation provisions of this chapter. If an
8 employee refuses to submit to an examination provided for in this section, the
9 employee's rights to compensation shall be suspended until the obstruction or refusal
10 ceases, and the employee's compensation during the period of suspension may, in the
11 discretion of the board or the court determining an action brought for the recovery of
12 damages under this chapter, be forfeited. The board in any case of death may require
13 an autopsy at the expense of the party requesting the autopsy. An autopsy may not be
14 held without notice first being given to the widow or widower or next of kin if they
15 reside in the state or their whereabouts can be reasonably ascertained, of the time and
16 place of the autopsy and reasonable time and opportunity given the widow or widower
17 or next of kin to have a representative present to witness the autopsy. If adequate
18 notice is not given, the findings from the autopsy may be suppressed on motion made
19 to the board or to the superior court, as the case may be.

20 * **Sec. 2.** This Act takes effect July 1, 2002.