

ALASKA STATE LEGISLATURE

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North to the Future

Senator Cathy Giessel

Senate District N

Sectional Analysis (Version L)

Senate Bill 112 Workers Compensation Reform

Section 1: Amends AS 23.10.620 by adding a new subsection to allow an employer to require an employee to undergo drug testing if the employee has been prescribed a controlled substance under AS 23.30.096.

Section 2: Repeals and reenacts AS 23.30.010(a) to provide that a compensable injury must be established using relevant objective medical evidence and must be the major contributing cause of any resulting condition, disability, or need for medical treatment. Provides that subjective complaints must be confirmed by physical examination or diagnostic testing.

Section 3: Amends AS 23.30.095(a) to require that the employer furnish medical treatment in accordance with evidence-based treatment guidelines. Allows employer or insurer to request a third party to conduct a utilization review for treatment recommended outside of the evidence-based treatment guidelines. Provides that if medical treatment is recommended two years after the date of injury, the employee may not be afforded the presumption of compensability but that the injured will have a right to review by the board.

Section 4: Amends AS 23.30.095(d) to allow for suspension of compensation for refusal of appropriate diagnostic tests.

Section 5: Amends AS 23.30.095(e) to require, in certain circumstances, submission to examination by a mental health provider.

Section 6: Amends AS 23.30.095(o) to require palliative care after medical stability to be consistent with evidence-based treatment guidelines.

Section 7: Amends AS 23.30.095 by adding new subsections relating to payment for durable medical equipment, prosthetics, orthotics or supplies and prescription drugs.

Section 8: Amends AS 23.30 by adding AS 23.30.096 relating to prescribing or dispensing controlled substances to employees.

Section 9: Amends AS 23.30.097(d) to state that payment for medical treatment is not due immediately or on demand, it is due within 30 days after the employer receives the provider's bill and a completed report.

Section 10: Amends AS 23.30.097(g) to add that an employer shall reimburse an employee's prescription charges within 30 days after the employer receives the employee's request for reimbursement.

Section 11: Amends AS 23.30.105(a) to replace the term disability.

Section 12: Amends AS 23.30.107(b) to remove a reference related to the Second Independent Medical Exam.

Section 13: Amends AS 23.30.110(e) to allow for electronic submission of the acceptance or rejection of a claims.

Section 14: Amends AS 23.30.120(a) to require that an employee establish a preliminary link between employment and resulting condition, disability, or need for medical treatment through objective relevant medical evidence before being afforded the presumptions listed in that subsection.

Section 15: Amends AS 23.30.120 by adding new subsections relating to establishing the preliminary link and presumption under AS 23.30.120(a).

Section 16: Amends AS 23.30.122 by adding new subsections relating to medical expert and lay testimony.

Section 17: Repeals and reenacts AS 23.30.145 governing the award and payment of attorney fees.

Section 18: Amends AS 23.30.155(m) to repeal the \$1,000 civil penalty when an annual report is incomplete when filed.

Section 19: Amends AS 23.30.230(a) to provide a definition of “independent contractor.”

Sections 20-21: Amend the definitions of "arising out of and in the course of employment" and "attending physician."

Section 22: Repeals AS 23.30.095(k) (relating to a second independent medical evaluation), 23.30.110(g) (relating to submission to a physical examination), 23.30.135(a) (relating to procedure before the board), 23.30.155(h) (relating to the board's authority).

Section 23: Adds an applicability provision that states that secs. 2-22 of the Act apply to claims for injuries filed on or after the effective dates of those sections.