

*John*

1 IN THE HOUSE

BY MR. YOUNG

2 HOUSE BILL NO. 218

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled : "An Act to amend Sub-section 43-3-1 E. and  
7 Section 43-3-2 ACLA 1949 as amended by  
8 Chapter 60 SLA 1953, and to repeal Sub-  
9 section 43-3-1 N. ACLA 1949 as amended by  
10 Chapter 60, SLA 1953."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Subsection 43-3-1 E, ACLA 1949 as amended by  
13 Chapter 60 SLA 1953 is hereby amended to read as follows:

14 E. TEMPORARY DISABILITY. For all injuries causing  
15 temporary disability, the employer shall pay the employee,  
16 during the period of such disability, sixty-five per centum  
17 (65%) of his daily average wages. Such compensation for  
18 temporary total disability shall not exceed the sum of  
19 SEVENTY-FIVE DOLLARS (\$75.00) 7 \$100 per week 7 AND SUCH  
20 PERIOD OF TEMPORARY TOTAL DISABILITY SHALL NOT EXCEED TWENTY-  
21 FOUR MONTHS FROM AND AFTER DATE OF INJURY 7. And in all  
22 cases where the injury develops or proves to be such as to  
23 entitle the employee to compensation under some provision in  
24 this schedule, relating to cases other than temporary  
25 disability, the amount so paid or due him shall be in  
26 addition to the amount to which he shall be entitled under  
27 such provision in this schedule.

28 Payment for such temporary disability shall be made at  
29 the time compensation is customarily paid for labor performed

1 or services rendered at the plant or establishment of the  
2 employer liable therefor and not less than once a month in  
3 any event.

4 The average daily wage earning capacity of an injured  
5 employee in case of temporary disability shall be determined  
6 by his actual earnings if such actual earnings fairly and  
7 reasonably represent his daily wage earning capacity. If  
8 such earnings do not fairly and reasonably represent his  
9 daily wage earning capacity, the Industrial Board shall fix  
10 such daily wage earning capacity as shall be reasonable and  
11 have a due regard for the nature of his injury, the degree of  
12 temporary impairment, his usual employment and any other  
13 factor or circumstance in the case which may affect his  
14 capacity to earn wages in his temporary disabled condition.

15 Section 2. Section 43-3-2 ACIA 1949 as amended by Chapter 60  
16 ACA 1953 is hereby amended to read as follows:

17 TREATMENT AND CARE OF INJURED EMPLOYEES: DUTY AND  
18 LIABILITY OF EMPLOYER: DURATION: PREVAILING FEES: SELECTION  
19 OF PHYSICIANS, SURGEONS, CHIROPRACTORS, OSTEOPATHS AND  
20 HOSPITALS: AGGRAVATION OF INJURY BY INCOMPETENCE OR  
21 NEGLIGENCE OF PHYSICIAN, SURGEON, CHIROPRACTOR OR OSTEOPATH:  
22 LIABILITY: RIGHT OF EMPLOYEE TO PROVIDE PHYSICIAN, SURGEON,  
23 CHIROPRACTOR OR OSTEOPATH. The employer shall promptly  
24 provide for an injured employee such medical, surgical,  
25 chiropractic, osteopathic or other attendance or treatment,  
26 nurse and hospital service, medicine, crutches and apparatus  
27 for such period as the nature of the injury or the process  
28 of recovery may require 4, NOT EXCEEDING TWO YEARS FROM AND  
29 AFTER THE DATE OF INJURY TO ANY SUCH EMPLOYEE 7. The  
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1 employer shall be liable for the payment of the expenses of  
2 medical, surgical chiropractic, osteopathic or other attend-  
3 ance or treatment, nurse, and hospital service, medicine,  
4 crutches, and apparatus necessitated by the injury of an  
5 employee, for such period as the nature of the injury or the  
6 process of recovery may require, ~~not exceeding two years from~~  
7 ~~and after the date of injury to any such employer.~~ All fees  
8 and other charges for such treatment and services shall be  
9 limited to such charges as prevail in the same community for  
10 similar treatment of injured persons of a like standard of  
11 living. The employer shall have the exclusive right, and it  
12 shall be his duty to select and furnish the necessary physi-  
13 cians, surgeons, chiropractors, osteopaths and hospitals and  
14 to that end he may enter into all necessary contracts with  
15 such physicians, surgeons, chiropractors, osteopaths and  
16 hospitals for the furnishing of such services and treatments.  
17 Provided, that if it be made to appear in any suit, action or  
18 proceeding brought against the employer that the injuries  
19 sustained by the employee were aggravated on account of the  
20 incompetence or neglect of the physician, surgeon, chiro-  
21 practor or osteopath selected by the employer, it shall be  
22 prima facie evidence that the employer failed to use due care  
23 in the selection of such physician, surgeon, chiropractor or  
24 osteopath and in such case the employer and physician, surgeon,  
25 chiropractor or osteopath shall be jointly and separately  
26 liable for all damages resulting from such incompetence or  
27 neglect. Nothing contained in this section shall be  
28 construed to limit the right of the employee, to provide in  
29 any case, at his own expense, a consulting physician, surgeon,

Page 3, Line 6: delete comma and insert period. Then delete  
balance of sentence

1 chiropractor or osteopath or any attending physician, surgeon,  
2 chiropractor or osteopath when he may desire."

3 Section 3. Sub-section 43-3-1 N. ACIA 1949 as amended by  
4 Chapter 60 SIA 1953 is hereby repealed.  
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