

1 IN THE HOUSE

BY MR. YOUNG

2 HOUSE BILL NO. 211

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "An Act to amend the Workmen's Compensation
7 Act of Alaska; amending Subsection A, 2,
8 of Sec. 43-3-1, ACLA 1949, as amended by
9 Sec. 1 of Ch. 60, SLA 1953; amending Sub-
10 section C of Sec. 43-3-1, ACLA 1949, as
11 amended by Sec. 1 of Ch. 60, SLA 1953;
12 amending Sec. 43-3-2, ACLA 1949 as amended
13 by Sec. 2 of Ch. 60, SLA 1953 and Sec. 2 of
14 Ch. 141, SLA 1955; amending Sec. 43-3-4,
15 ACLA 1949; amending Sec. 43-3-8, ACLA 1949,
16 as amended by Sec. 3 of Ch. 60, SLA 1953;
17 and amending Sec. 43-3-29, ACLA 1949,"

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

19 Section 1. Subsection 43-3-1 A, 2, ACLA 1949, as amended by
20 Sec. 1 of Ch. 60, SLA 1953 is hereby amended to read as follows:

21 2. AMOUNT OF DEATH BENEFITS. In the event of the death
22 of any such employee resulting from such injury, where such
23 employee at the time of his death was married, the surviving
24 spouse shall be entitled to receive the sum of Twenty ~~NINE~~
25 Thousand Dollars ~~(\$20,000.00)~~ ~~[\$9,000.00]~~ one half of which
26 shall be paid as soon as possible after the occurrence of the
27 death, as provided by law, and the remaining one half shall
28 be paid in two equal installments, one of which shall be paid
29 one year subsequent to the date of the first payment and the

1 other payment shall be made two years from the date of the
2 original payment.

3 Sec. 2. Subsection 43-3-1 0, ACLA 1949 as amended by Sec. 1
4 of Ch. 60, SLA 1953 is hereby amended to read as follows:

5 C. PARTIAL PERMANENT DISABILITY. Where any such em-
6 ployee receives an injury arising out of, and in the course
7 of his or her employment, resulting in his or her partial
8 permanent disability, he or she shall be paid in accordance
9 with the following schedule:

10 1. For the loss of a Thumb;

11 Two ONE Thousand Two EIGHT Hundred
12 Dollars (~~\$2,200.00~~) [(\$1,800.00)].

13 2. For the loss of an Index finger;

14 One Thousand FIVE TWO Hundred Dollars
15 (~~\$1,500.00~~) [(\$1,200.00)].

16 3. For the loss of any other finger than the
17 Index Finger and Thumb;

18 Seven FIVE Hundred and Fifty Dollars
19 (~~\$750.00~~) [(\$500.00)].

20 4. For the loss of a Great Toe;

21 Fifteen NINE Hundred Dollars
22 (~~\$1,500.00~~) [(\$900.00)].

23 5. For the loss of any other Toe other than
24 the Great Toe;

25 Five THREE Hundred Dollars
26 (~~\$500.00~~) [(\$300.00)].

27 6. For the loss of a Hand;

28 Seven FIVE Thousand Two EIGHT Hundred
29 and Fifty Dollars (~~\$7,250.00~~) [(\$5,800.00)].

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7. For the loss of an Arm:
Nine ~~SEVEN~~ Thousand Eight ~~TWO~~ Hundred
Dollars (\$9,800.00) ~~[((\$7,200.00)]~~.

8. For the loss of a Foot:
Six ~~FIVE~~ Thousand Eight ~~FOUR~~ Hundred
and Fifty Dollars (\$6,850.00) ~~[((\$5,400.00)]~~.

9. For the loss of a Leg:
Nine ~~SEVEN~~ Thousand ~~TWO HUNDRED~~ Dollars
(\$9,000.00) ~~[((\$7,200.00)]~~.

10. For the loss of an Eye:
Seven ~~FIVE~~ Thousand ~~SIX HUNDRED~~ Dollars
(\$7,000.00) ~~[((\$5,600.00)]~~.

11. For the loss of hearing in one Ear:
Two ~~ONE~~ Thousand Five Hundred Dollars
(\$2,500.00) ~~[((\$1,500.00)]~~.

12. Compensation for permanent total loss of
use of a member shall be the same as for the loss
of such member.

Sec. 3. Sec. 43-3-2, ACLA 1949, as amended by Sec. 2 of
Chapter 60, SLA 1953 and Sec. 2 of Chapter 141, SLA 1955, is here-
by amended to read as follows:

Sec. 43-3-2. TREATMENT AND CARE OF INJURED EMPLOYEES:
DUTY AND LIABILITY OF EMPLOYER: DURATION: PREVAILING FEES:
SELECTION OF PHYSICIANS, SURGEONS, CHIROPRACTORS, OSTEOPATHS
AND HOSPITALS: AGGRAVATION OF INJURIES BY INCOMPETENCE OR
NEGLECT OF PHYSICIAN, SURGEON, CHIROPRACTOR OR OSTEOPATH:
LIABILITY: RIGHT OF EMPLOYEE TO PROVIDE PHYSICIAN, SURGEON,
CHIROPRACTOR OR OSTEOPATH. The employer shall promptly pro-
vide for an injured employee such medical, surgical,

1 chiropractic, osteopathic or other attendance or treat-
2 ment, nurse and hospital service, medicine, crutches,
3 AND apparatus and artificial appliances including the
4 proper fitting and training in the use of such appliances
5 for such period as the nature of the injury or the pro-
6 cess of recovery may require NOT EXCEEDING FOUR YEARS
7 FROM AND AFTER THE DATE OF INJURY TO ANY SUCH EMPLOYEE.
8 The employer shall be liable for the payment of the expenses
9 of medical, surgical, chiropractic, osteopathic or other
10 attendance or treatment, nurse, and hospital service, medi-
11 cine, crutches, AND apparatus and artificial appliances
12 necessitated by the injury of an employee, for such period
13 as the nature of the injury or the process of recovery may
14 require NOT EXCEEDING FOUR YEARS FROM AND AFTER THE DATE
15 OF INJURY TO ANY SUCH EMPLOYEE. All fees and other charges
16 for such treatment and services shall be limited to such
17 charges as prevail in the same community for similar treat-
18 ment of injured persons of a like standard of living. The
19 employer, except as provided herein, shall HAVE THE EXCLUS-
20 IVE RIGHT, AND IT SHALL BE HIS DUTY TO select and furnish
21 the necessary physicians, surgeons, chiropractors, osteo-
22 paths and hospitals and to that end he may enter into all
23 necessary contracts with such physicians, surgeons, chiro-
24 practors, osteopaths and hospitals for the furnishing of
25 such services and treatments. Provided, that if it be made
26 to appear in any suit, action or proceeding brought against
27 the employer that the injuries sustained by the employee were
28 aggravated on account of the incompetence or neglect of the
29 physician, surgeon, chiropractor or osteopath selected by the

1 employer, it shall be prima facie evidence that the employer
2 failed to use due care in the selection of such physician,
3 surgeon, chiropractor or osteopath and in such case the em-
4 ployer and physician, surgeon, chiropractor or osteopath
5 shall be jointly and separately liable for all damages re-
6 sulting from such incompetence or neglect. An injured em-
7 ployee may, in lieu of accepting or continuing to accept
8 services and treatment furnished by the employer, select
9 other physicians, surgeons, chiropractors, osteopaths, or
10 hospitals, within the judicial division in which he resides
11 or is injured, necessary to his care and treatment, at the
12 expense of the employer. NOTHING CONTAINED IN THIS SECTION
13 SHALL BE CONSTRUED TO LIMIT THE RIGHT OF THE EMPLOYEE, TO
14 PROVIDE IN ANY CASE, AT HIS OWN EXPENSE, A CONSULTING PHYSI-
15 CIAN, SURGEON, CHIROPRACTOR OR OSTEOPATH WHOM HE MAY DESIRE.7
16 Sec. 4. Sec. 43-3-4, ACLA 1949 is hereby amended to read
17 as follows:

18 43-3-4. MODIFICATION OF COMPENSATION; CONTINUING
19 JURISDICTION; EFFECT OF REVIEW UPON MONEYS ALREADY PAID;
20 LIMITATION OF TIME. If an injured employee (is) entitled to
21 compensation under any subdivision or part of this schedule,
22 and it shall afterwards develop that he or she is or was
23 entitled to a higher rate of compensation under same or some
24 other part of subdivision of this schedule, then and in that
25 event he or she shall receive such higher rate, after first
26 deducting the amount that has already been paid him or her.
27 To that end the Industrial Board is hereby given and granted
28 continuing jurisdiction of every claim, and said Board may,
29 at any time and upon its own motion or on application, review

1 any agreement, award, decision or order, and, on such review,
2 may make an order or award ending, diminishing or increasing
3 the compensation previously awarded, ordered, or agreed to,
4 subject to the maximum or minimum provided in this Act. No
5 such review shall affect such award, order or settlement as
6 regards any moneys already paid, except that an award or order
7 increasing the compensation rate may be made effective from
8 date of injury, and except that if any part of the compensa-
9 tion due or to become due is unpaid an award or order de-
10 creasing the compensation rate may be made effective from the
11 date of injury, and any payments made prior thereto in ex-
12 cess of such decreased rate shall be deducted from any un-
13 paid compensation, in such manner and by such methods as may
14 be determined by the Industrial Board ; PROVIDED, HOWEVER,
15 THAT NO COMPENSATION UNDER SUCH INCREASED RATE SHALL BE PAID
16 UNLESS THE DISABILITY ENTITLING THE EMPLOYEE THERETO SHALL
17 DEVELOP AND CLAIM BE PRESENTED WITHIN THREE (3) YEARS AFTER
18 THE INJURY.

19 Sec. 5 Sec. 43-5-9, ACLA 1949 as amended by Sec. 3 of
20 Ch. 60, SLA 1953 is hereby amended to read as follows:

21 Sec. 43-3-9. WHEN RIGHT TO COMPENSATION ACCRUES: PERIOD
22 OF INCAPACITY: REPORT TO EMPLOYER: COMPENSATION NOT TO BE
23 PAID PRIOR TO REPORT. No compensation shall be paid hereunder
24 for any injury which does not incapacitate the employee from
25 earning full wages for a period of at least three days in
26 addition to the day on which the injury occurred, and BUT
27 if incapacity extends beyond such period compensation shall
28 commence on the THIRD day of AFTER the injury. It shall
29 be the duty of every person claiming compensation under the

1 provisions of this Act for any injury sustained by him to
2 make or cause to be made, a report thereof to his employer
3 as soon as practicable after sustaining the same \surd , AND NO
4 COMPENSATION SHALL BE PAID PRIOR TO THE DAY ON WHICH SUCH
5 REPORT IS MADE.

6 Sec. 6. Sec. 43-3-29, ACLA 1949 is hereby amended to read
7 as follows:

8 Sec. 43-3-29. CLAIMS BARRED IF NOT FILED WITHIN TWO
9 YEARS: EXCEPTION. Any and all claims for compensation
10 hereunder shall be barred unless a claim for compensation
11 shall be filed with the Industrial Board within two years
12 after the injury, or, if death results therefrom, within
13 two years after such death, after the injury was sustained,
14 or, in the event of mental incapacity, within two years
15 after the removal of such mental incapacity: provided, how-
16 ever, that the time limitation set forth herein shall not
17 apply in any instance in which an injury is caused by
18 ionizing radiation, where such injury did not become apparent
19 until said time limit had elapsed.