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IN THE SENATE

BY SENATOR SMITH  
BY REQUEST

SENATE BILL NO. 204

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the Alaska workmen's compensation program; amending Ch. 193, SLA 1959; and providing for an effective date."

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

Section 1. Subsec. (1), Sec. 6, Ch. 193, SLA 1959 is amended to read as follows:

(1) The employer shall furnish such medical surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus, for such period as the nature of the injury or the process of recovery may require. Whenever medical care is required, the employer [INJURED EMPLOYEE] may designate any licensed physician within the state to render such care except in cases where, in the judgment of the Board, care and/or treatment can best be administered by the selection of another physician. [UPON PROCURING THE SERVICES OF SUCH PHYSICIAN, THE INJURED EMPLOYEE SHALL GIVE PROPER NOTIFICATION OF HIS SELECTION TO THE EMPLOYER WITHIN A REASONABLE TIME AFTER FIRST BEING TREATED. IF FOR ANY REASON DURING THE PERIOD WHEN MEDICAL CARE IS REQUIRED, THE EMPLOYEE WISHES TO CHANGE TO ANOTHER PHYSICIAN, HE MAY DO SO IN ACCORDANCE WITH RULES PRESCRIBED BY THE BOARD. IF THE EMPLOYEE IS UNABLE TO DESIGNATE A PHYSICIAN AND THE EMERGENCY NATURE OF THE INJURY REQUIRES IMMEDIATE MEDICAL CARE, OR IF HE DOES NOT DESIRE TO DESIGNATE A PHYSICIAN AND

1 SO ADVISES THE EMPLOYER, THE EMPLOYER SHALL DESIGNATE THE PHY-  
2 SICIAN. THE FOREGOING PROVISION SHALL NOT, HOWEVER, DEPRIVE  
3 THE EMPLOYEE FROM SUBSEQUENTLY DESIGNATING A PHYSICIAN FOR  
4 CONTINUANCE OF REQUIRED MEDICAL CARE.] No claim for medical  
5 or surgical treatment shall be valid and enforceable, as again-  
6 st such employer, unless within twenty days following the first  
7 treatment the physician giving such treatment or the employee  
8 receiving such treatment furnished to the employer and the  
9 Board notice of such injury and treatment, preferably on a  
10 form or forms prescribed by the Board. The Board may, however,  
11 excuse the failure to furnish such notice within twenty days  
12 when it finds it to be in the interest of justice to do so,  
13 and it may, upon application by a party in interest, make an  
14 award for the reasonable value of such medical or surgical  
15 treatment so obtained by the employee. It at any time during  
16 such period the employee unreasonably refuses to submit to  
17 medical or surgical treatment, the Board may, by order, sus-  
18 pend the payment of further compensation during such time as  
19 such refusal continues, and no compensation shall be paid at  
20 any time during the period of such suspension, unless the cir-  
21 cumstances justified the refusal.

22 Sec. 2. Subsec. (4), Sec. 11, Ch. 193, SLA 1959 is amended  
23 to read as follows:

24 (4) Failure to give such notice shall not bar any  
25 claim under this Act [(1) IF THE EMPLOYER (OR HIS AGENT IN  
26 CHARGE OF THE BUSINESS IN THE PLACE WHERE THE INJURY OCCUR-  
27 RED) OR THE CARRIER HAD KNOWLEDGE OF THE INJURY OR DEATH AND  
28 THE BOARD DETERMINES THAT THE EMPLOYER OR CARRIER HAS NOT  
29 BEEN PREJUDICED BY FAILURE TO GIVE SUCH NOTICE, OR (2)] if

1 the Board excuses such failure on the ground that for some  
2 satisfactory reason such notice could not be given; nor unless  
3 objection to such failure is raised before the Board at the  
4 first hearing of a claim for compensation in respect of such  
5 injury or death.

6 Sec. 3. Subsec. (1), Sec. 12, Ch. 193, SLA 1959 is amended  
7 to read as follows:

8 (1) The right to compensation for disability under  
9 this Act shall be barred unless a claim therefor is filed  
10 within two years after the accident occurred [EMPLOYEE HAS  
11 KNOWLEDGE OF THE NATURE OF HIS DISABILITY AND ITS RELATION TO  
12 HIS EMPLOYMENT AND AFTER DISABLEMENT], and the right to com-  
13 pensation for death shall be barred unless a claim therefor  
14 is filed within one year after the death, except that if pay-  
15 ment of compensation has been made without an award on  
16 account of such injury or death a claim may be filed within  
17 two years after the date of the last payment.

18 Sec. 4. Subsec. (1), Sec. 26, Ch. 193, SLA 1959 is amended  
19 to read as follows:

20 (1) Fees for legal services rendered in respect of  
21 a claim shall not be valid unless approved by the Board as  
22 reasonable attorney fees [, AND SUCH FEES SHALL BE NOT LESS  
23 THAN 25 PER CENTUM ON THE FIRST \$1,000.00 OF COMPENSATION OR  
24 PART THEREOF, AND 10 PER CENTUM OF ALL SUMS IN EXCESS OF  
25 \$1,000.00 OF COMPENSATION]. Whenever the Board advises that  
26 a claim has been controverted, in whole or in part, the Board  
27 may direct the fees for legal services be paid by the employer  
28 or carrier in addition to compensation awarded, and such fees  
29 may be allowed only on the amount of compensation controverted

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and awarded. Whenever the Board advises a claim has not been controverted, but further advises that bona fide legal services have been rendered in respect of the claim, then the Board shall direct the payment of such fees out of the compensation awarded.

In determining the amount of fees the Board shall take into consideration the nature, length and complexity of the services performed, transportation charges, and the benefits resulting from the services to the compensation beneficiaries.

Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.