

Introduced: 4/7/69  
Referred: Labor & Management and Health, Welfare and Education

1 IN THE HOUSE

BY FINK

2 HOUSE BILL NO. 361

3 IN THE LEGISLATURE FOR THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the disclosure of the results  
7 of a medical examination of an employee prior to a  
8 hearing by the workmen's compensation board; and  
9 providing for an effective date."

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

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

12 (e) The employee shall, after an injury, at reasonable times  
13 during the continuance of his disability if requested by his employer  
14 or, when ordered by the board, submit himself to an examination by  
15 a physician or surgeon authorized to practice medicine under the laws  
16 of the state in which the employee may be found, furnished and paid  
17 for by the employer. The employee has the right to have a physician,  
18 paid for by the employer, present at the examination or examinations.  
19 No fact relative to the injury or claim communicated to or otherwise  
20 learned by a physician or surgeon who may have attended or examined  
21 the employee, or who may have been present at an examination is  
22 privileged, and upon written request at any time subsequent to the  
23 filing of a workman's compensation claim or action for recovery of  
24 damages by the employee against his employer, such fact or facts  
25 shall be made available to the employer, his insurance carrier or  
26 the agent of either if the employer is subject to the compensation  
27 provisions of this chapter [EITHER IN THE HEARINGS PROVIDED FOR IN  
28 THIS CHAPTER OR AN ACTION TO RECOVER DAMAGES AGAINST AN EMPLOYER  
29 WHO IS SUBJECT TO THE COMPENSATION PROVISIONS OF THIS CHAPTER]. If

1 an employee refuses to submit himself to any examination provided for  
2 herein, his rights to compensation shall be suspended until the  
3 obstruction or refusal ceases, and his compensation during the period  
4 of suspension may, in the discretion of the board or the court deter-  
5 mining an action brought for the recovery of damages hereunder, be  
6 forfeited. The board in any case of death may require an autopsy at  
7 the expense of the party requesting the autopsy. No autopsy may be  
8 held without notice first being given to the widow or next of kin if  
9 they reside in the state or their whereabouts can be reasonably  
10 ascertained, of the time and place of the autopsy and reasonable time  
11 and opportunity given the widow or next of kin to have a representative  
12 present to witness the autopsy. If no adequate notice is given, the  
13 findings from the autopsy may be suppressed on motion made to the  
14 board or to the superior court, as the case may be.

15 \* Sec. 2. This Act takes effect on the day after its passage and  
16 approval or on the day it becomes law without approval.  
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