

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 764\*

Short Title: Workers Compensation Medical Care.

(Public)

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Sponsors: Senators Kerr; Allran, Ballantine, Cochrane, East, Foxx, Garwood, Hartsell, Horton, Hoyle, Kincaid, Martin of Pitt, McDaniel, Shaw of Guilford, and Warren.

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Referred to: Judiciary.

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April 9, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW AN EMPLOYER AND ITS REPRESENTATIVES TO  
2 CONTACT AN EMPLOYEE'S TREATING PHYSICIAN AS NECESSARY TO  
3 EXERCISE THE EMPLOYER'S RIGHT TO DIRECT MEDICAL TREATMENT  
4 AND TO OBTAIN INFORMATION REGARDING MEDICAL TREATMENT.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 97-25 reads as rewritten:

8 **"§ 97-25. Medical treatment and supplies.**

9 Medical compensation shall be provided by the employer. Notwithstanding the  
10 provisions of G.S. 8-53 and the prohibition against ex parte contacts at common law, the  
11 employer, its insurer, representatives, attorneys, or claims adjusters may directly  
12 communicate in person, orally, or in writing with any medical provider rendering  
13 treatment for any injury claimed by the employee to be compensable under this Chapter  
14 and may obtain copies of records of the treatment. The employee, or the employee's  
15 attorney, if he or she is represented, shall be notified of the substance of the conversation  
16 promptly thereafter. In case of a controversy arising between the employer and employee  
17 relative to the continuance of medical, surgical, hospital, or other treatment, the Industrial  
18 Commission may order such further treatments as may in the discretion of the  
19 Commission be necessary.

1       The Commission may at any time upon the request of an employee order a change of  
2 treatment and designate other treatment suggested by the injured employee subject to the  
3 approval of the Commission, and in such a case the expense thereof shall be borne by the  
4 employer upon the same terms and conditions as hereinbefore provided in this section for  
5 medical and surgical treatment and attendance.

6       The refusal of the employee to accept any medical, hospital, surgical or other  
7 treatment or rehabilitative procedure when ordered by the Industrial Commission shall  
8 bar said employee from further compensation until such refusal ceases, and no  
9 compensation shall at any time be paid for the period of suspension unless in the opinion  
10 of the Industrial Commission the circumstances justified the refusal, in which case, the  
11 Industrial Commission may order a change in the medical or hospital service.

12       If in an emergency on account of the employer's failure to provide the medical or  
13 other care as herein specified a physician other than provided by the employer is called to  
14 treat the injured employee, the reasonable cost of such service shall be paid by the  
15 employer if so ordered by the Industrial Commission.

16       Provided, however, if he so desires, an injured employee may select a physician of his  
17 own choosing to attend, prescribe and assume the care and charge of his case, subject to  
18 the approval of the Industrial Commission."

19               Section 2. This act is effective when it becomes law.