

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 764*
Judiciary Committee Substitute Adopted 4/29/97

Short Title: Workers' Compensation Medical Care.

(Public)

Sponsors:

Referred to:

April 9, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING
3 EMPLOYER ACCESS TO MEDICAL INFORMATION.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 97-25. Medical treatment and supplies.**

7 Medical compensation shall be provided by the employer. Notwithstanding the
8 provisions of G.S. 8-53, any law relating to the privacy of medical records or
9 information, and the prohibition against ex parte communications at common law, an
10 employer paying medical compensation to a provider rendering treatment under this
11 Chapter may obtain records of the treatment without the express authorization of the
12 employee. The Commission shall adopt rules that govern additional methods of oral and
13 written communications between an employer paying compensation under this Chapter
14 and medical care providers. These rules shall protect the employee's right to a
15 confidential physician-patient relationship while facilitating the release of information
16 necessary to the administration of the employee's claim. In case of a controversy arising
17 between the employer and employee relative to the continuance of medical, surgical,
18 hospital, or other treatment, the Industrial Commission may order such further treatments
19 as may in the discretion of the 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.