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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1784 Session of  
2019

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INTRODUCED BY HICKERNELL, MILLARD, ROTHMAN, KAUFFMAN, BERNSTINE,  
FEE, DUNBAR, TOPPER, MENTZER, MALONEY, ZIMMERMAN, JAMES,  
EMRICK, GREINER, SAYLOR, HELM, KEEFER, DOWLING, IRVIN,  
HERSHEY, WHEELAND, HAHN, LEWIS AND GAYDOS, AUGUST 30, 2019

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, AUGUST 30, 2019

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AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An  
2 act defining the liability of an employer to pay damages for  
3 injuries received by an employe in the course of employment;  
4 establishing an elective schedule of compensation; providing  
5 procedure for the determination of liability and compensation  
6 thereunder; and prescribing penalties," in liability and  
7 compensation, further providing for schedule of compensation;  
8 and, in Uninsured Employers Guaranty Fund, further providing  
9 for claims.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 306(f.1) (1) (i) of the act of June 2, 1915  
13 (P.L.736, No.338), known as the Workers' Compensation Act, is  
14 amended to read:

15 Section 306. The following schedule of compensation is  
16 hereby established:

17 \* \* \*

18 (f.1) (1) (i) The employer shall provide payment in  
19 accordance with this section for reasonable surgical and medical  
20 services, services rendered by physicians or other health care

1 providers, including an additional opinion when invasive surgery  
2 may be necessary, medicines and supplies, as and when needed.  
3 Provided an employer establishes a list of at least six  
4 designated health care providers, no more than four of whom may  
5 be a coordinated care organization and no fewer than three of  
6 whom shall be physicians, the employe shall be required to visit  
7 one of the physicians or other health care providers so  
8 designated and shall continue to visit the same or another  
9 designated physician or health care provider [for a period of  
10 ninety (90) days from the date of the first visit]: Provided,  
11 however, That the employer shall not include on the list a  
12 physician or other health care provider who is employed, owned  
13 or controlled by the employer or the employer's insurer unless  
14 employment, ownership or control is disclosed on the list.  
15 Should invasive surgery for an employe be prescribed by a  
16 physician or other health care provider so designated by the  
17 employer, the employe shall be permitted to receive an  
18 additional opinion from any health care provider of the  
19 employe's own choice. If the additional opinion differs from the  
20 opinion provided by the physician or health care provider so  
21 designated by the employer, the employe shall determine which  
22 course of treatment to follow: Provided, That the second opinion  
23 provides a specific and detailed course of treatment. If the  
24 employe chooses to follow the procedures designated in the  
25 second opinion, such procedures shall be performed by one of the  
26 physicians or other health care providers so designated by the  
27 employer [for a period of ninety (90) days from the date of the  
28 visit to the physician or other health care provider of the  
29 employe's own choice]. Should the employe not comply with the  
30 foregoing, the employer will be relieved from liability for the

1 payment for the services rendered [during such applicable  
2 period]. It shall be the duty of the employer to provide a  
3 clearly written notification of the employe's rights and duties  
4 under this section to the employe. The employer shall further  
5 ensure that the employe has been informed and that he  
6 understands these rights and duties. This duty shall be  
7 evidenced only by the employe's written acknowledgment of having  
8 been informed and having understood his rights and duties. Any  
9 failure of the employer to provide and evidence such  
10 notification shall relieve the employe from any notification  
11 duty owed, notwithstanding any provision of this act to the  
12 contrary, and the employer shall remain liable for all rendered  
13 treatment. [Subsequent treatment may be provided by any health  
14 care provider of the employe's own choice. Any employe who, next  
15 following termination of the applicable period, is provided  
16 treatment from a nondesignated health care provider shall notify  
17 the employer within five (5) days of the first visit to said  
18 health care provider. Failure to so notify the employer will  
19 relieve the employer from liability for the payment for the  
20 services rendered prior to appropriate notice if such services  
21 are determined pursuant to paragraph (6) to have been  
22 unreasonable or unnecessary.]

23 \* \* \*

24 Section 2. Section 1603(e) (2) and (4) of the act, amended  
25 October 24, 2018 (P.L.804, No.132), are amended to read:

26 Section 1603. Claims.

27 \* \* \*

28 (e) List of providers.--

29 \* \* \*

30 (2) If the fund establishes a list under paragraph (1),

1 the fund shall be responsible only to reimburse expenses of  
2 medical treatments, services and accommodations rendered by  
3 the physicians or other health care providers that are  
4 designated on the list [for the period provided in section  
5 306(f.1) (1) from the date of the employee's notice to the  
6 fund under subsection (b)].

7 \* \* \*

8 (4) If the employee receives medical treatments,  
9 services or accommodations from a health care provider that  
10 is not designated on the list, the fund shall be relieved of  
11 liability for the payment of medical treatments, services or  
12 accommodations rendered [during the period provided in  
13 section 306(f.1) (1) from the date of the employee's notice to  
14 the fund under subsection (b)].

15 Section 3. The amendment of sections 306(f.1) (1) (i) and  
16 1603(e) (2) and (4) of the act shall apply to claims for which  
17 the date of injury is on or after the effective date of this  
18 act.

19 Section 4. This act shall take effect in 120 days.