

CHAPTER 256  
HB 546 – FINAL VERSION

13Mar2013... 0642h  
05/23/13 1590s  
26June2013... 2103CofC

2013 SESSION

13-0610  
01/09

HOUSE BILL           **546**

AN ACT               relative to medical examinations under workers' compensation.

SPONSORS:       Rep. Goley, Hills 8; Rep. Wall, Straf 6; Rep. Copeland, Rock 19;  
Rep. H. Richardson, Coos 4; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18

COMMITTEE:       Labor, Industrial and Rehabilitative Services

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AMENDED ANALYSIS

This bill requires any employer or insurance carrier providing notice to an injured employee regarding an independent medical examination under workers' compensation to include a certain disclosure in such notice.

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Explanation:       Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   relative to medical examinations under workers' compensation.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           256:1 Workers' Compensation; Medical Examinations. Amend RSA 281-A:38, II to read as  
2 follows:

3           II. Any health care provider conducting independent medical examinations under this  
4 chapter shall be certified by the appropriate specialty board as recognized by the American Board of  
5 Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by  
6 such board. The health care provider shall maintain a current practice in that area of specialty. The  
7 independent medical examination shall take place within a 50-mile radius of the residence of the  
8 injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile  
9 radius is necessary to obtain the services of a provider who specializes in the evaluation and  
10 treatment specific to the nature and extent of the employee's injury. ***If an employer or insurance***  
11 ***carrier provides written notice to the injured employee regarding its request for an***  
12 ***independent medical examination, such notice shall be given 10 days before the***  
13 ***examination and shall include the following: "This medical examination is at the request***  
14 ***of either the employer or insurance carrier. The examination is not for the purpose of***  
15 ***treatment or advice about treatment but for a medical opinion about the employee's claim."***  
16 The injured employee shall not be required to submit to more than 2 independent medical  
17 examinations per year, unless within the discretion of the commissioner, more than 2 examinations  
18 are necessary. An injured employee shall have the right to have a witness present during such  
19 examination. In the event that a witness is present, including but not limited to a witness taking  
20 notes or observing, on behalf of the injured employee, the witness shall not interfere in the  
21 examination in any way. The injured employee shall be required to sign an authorization, as  
22 prepared by the commissioner, to the effect that he or she understands that his or her medical  
23 history and condition or conditions will be discussed during said examination and that he or she  
24 waives any right to privacy that he or she may have under the circumstances of voluntarily allowing  
25 a witness to be present on his or her behalf.

26           256:2 Effective Date. This act shall take effect January 1, 2014.

27 Approved: July 24, 2013

Effective Date: January 1, 2014