

SB 342 – AS INTRODUCED

2014 SESSION

14-2803  
01/06

SENATE BILL       **342**

AN ACT           relative to medical examinations for workers' compensation.

SPONSORS:       Sen. Soucy, Dist 18; Rep. Goley, Hills 8; Rep. Wall, Straf 6

COMMITTEE:     Commerce

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ANALYSIS

This bill clarifies the language relating to medical examinations under the workers' compensation law.

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                  Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to medical examinations for workers' compensation.

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

1           1 Workers' Compensation; Medical Examinations. Amend RSA 281-A:38, II to read as follows:  
2           II. Any health care provider conducting [~~independent~~] medical examinations under this  
3 chapter shall be certified by the appropriate specialty board as recognized by the American Board of  
4 Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by  
5 such board. The health care provider shall maintain a current practice in that area of specialty. The  
6 [~~independent~~] medical examination shall take place within a 50-mile radius of the residence of the  
7 injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile  
8 radius is necessary to obtain the services of a provider who specializes in the evaluation and  
9 treatment specific to the nature and extent of the employee's injury. If an employer or insurance  
10 carrier provides written notice to the injured employee regarding its request for [~~an independent~~] **a**  
11 medical examination, such notice shall be given 10 days before the examination and shall include the  
12 following: "This medical examination is at the request of either the employer or insurance carrier.  
13 The examination is not for the purpose of treatment or advice about treatment but for a medical  
14 opinion about the employee's claim." The injured employee shall not be required to submit to more  
15 than 2 [~~independent~~] medical examinations per year, unless within the discretion of the  
16 commissioner, more than 2 examinations are necessary. An injured employee shall have the right to  
17 have a witness present during such examination. In the event that a witness is present, including  
18 but not limited to a witness taking notes or observing, on behalf of the injured employee, the witness  
19 shall not interfere in the examination in any way. The injured employee shall be required to sign an  
20 authorization, as prepared by the commissioner, to the effect that he or she understands that his or  
21 her medical history and condition or conditions will be discussed during said examination and that  
22 he or she waives any right to privacy that he or she may have under the circumstances of voluntarily  
23 allowing a witness to be present on his or her behalf.  
24           2 Effective Date. This act shall take effect January 1, 2015.