

## HOUSE BILL No. 2342

By Committee on Taxation

2-9

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1 AN ACT concerning workers compensation; relating to services of a  
2 health care provider; amending K.S.A. 2016 Supp. 44-510h and  
3 repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 44-510h is hereby amended to read as  
7 follows: 44-510h. (a) It shall be the duty of the employer to ~~provide pay~~  
8 *for* the services of a health care provider *designated by the injured worker*,  
9 and such medical, surgical and hospital treatment, including nursing,  
10 medicines, medical and surgical supplies, ambulance, crutches, apparatus  
11 and transportation to and from the home of the injured employee to a place  
12 outside the community in which such employee resides, and within such  
13 community if the director, in the director's discretion, so orders, including  
14 transportation expenses computed in accordance with ~~subsection (a) of~~  
15 K.S.A. 44-515(a), and amendments thereto, as may be reasonably  
16 necessary to cure and relieve the employee from the effects of the injury.

17 (b) (1) If the director finds, upon application of an injured employee,  
18 that the services of the health care provider furnished as provided in  
19 subsection (a) and rendered on behalf of the injured employee are not  
20 satisfactory, the director may authorize the appointment of some other  
21 health care provider. In any such case, the employer shall submit the  
22 names of two health care providers who, if possible given the availability  
23 of local health care providers, are not associated in practice together. The  
24 injured employee may select one from the list who shall be the authorized  
25 treating health care provider. If the injured employee is unable to obtain  
26 satisfactory services from any of the health care providers submitted by the  
27 employer under this paragraph, either party or both parties may request the  
28 director to select a treating health care provider.

29 (2) Without application or approval, an employee may consult a  
30 health care provider of the employee's choice for the purpose of  
31 examination, diagnosis or treatment, but the employer shall only be liable  
32 for the fees and charges of such health care provider up to a total amount  
33 of \$500. The amount allowed for such examination, diagnosis or treatment  
34 shall not be used to obtain a functional impairment rating. Any medical  
35 opinion obtained in violation of this prohibition shall not be admissible in  
36 any claim proceedings under the workers compensation act.

1 (c) An injured employee whose injury or disability has been  
2 established under the workers compensation act may rely, if done in good  
3 faith, solely or partially on treatment by prayer or spiritual means in  
4 accordance with the tenets of practice of a church or religious  
5 denomination without suffering a loss of benefits subject to the following  
6 conditions:

7 (1) The employer or the employer's insurance carrier agrees thereto in  
8 writing either before or after the injury;

9 (2) the employee submits to all physical examinations required by the  
10 workers compensation act;

11 (3) the cost of such treatment shall be paid by the employee unless  
12 the employer or insurance carrier agrees to make such payment;

13 (4) the injured employee shall be entitled only to benefits that would  
14 reasonably have been expected had such employee undergone medical or  
15 surgical treatment; and

16 (5) the employer or insurance carrier that made an agreement under  
17 paragraph (1) or (3) of this subsection may withdraw from the agreement  
18 on 10 days' written notice.

19 (d) In any employment to which the workers compensation act  
20 applies, the employer shall be liable to each employee who is employed as  
21 a duly authorized law enforcement officer, firefighter, driver of an  
22 ambulance as defined in ~~subsection (b) of K.S.A. 65-6112(d)~~, and  
23 amendments thereto, an ambulance attendant as defined in ~~subsection (d)~~  
24 ~~of K.S.A. 65-6112(f)~~, and amendments thereto, or a member of a regional  
25 emergency medical response team as provided in K.S.A. 48-928, and  
26 amendments thereto, including any person who is serving on a volunteer  
27 basis in such capacity, for all reasonable and necessary preventive medical  
28 care and treatment for hepatitis to which such employee is exposed under  
29 circumstances arising out of and in the course of employment.

30 (e) It is presumed that the employer's obligation to provide the  
31 services of a health care provider, and such medical, surgical and hospital  
32 treatment, including nursing, medicines, medical and surgical supplies,  
33 ambulance, crutches, apparatus and transportation to and from the home of  
34 the injured employee to a place outside the community in which such  
35 employee resides, and within such community if the director, in the  
36 director's discretion, so orders, including transportation expenses  
37 computed in accordance with ~~subsection (a) of K.S.A. 44-515(a)~~, and  
38 amendments thereto, shall terminate upon the employee reaching  
39 maximum medical improvement. Such presumption may be overcome  
40 with medical evidence that it is more probably true than not that additional  
41 medical treatment will be necessary after such time as the employee  
42 reaches maximum medical improvement. The term "medical treatment" as  
43 used in this subsection (e) means only that treatment provided or

1 prescribed by a licensed health care provider and shall not include home  
2 exercise programs or over-the-counter medications.

3 Sec. 2. K.S.A. 2016 Supp. 44-510h is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its  
5 publication in the statute book.