

(In effect as of January 1, 2006*)

TABLE 5a. MEDICAL BENEFITS PROVIDED BY WORKERS' COMPENSATION STATUTES

Full Medical Benefits**

Alabama	Indiana	Nebraska	South Carolina
Alaska	Iowa	Nevada	South Dakota
Arizona	Kansas	New Hampshire	Tennessee
Colorado	Kentucky	New Jersey	Texas
Connecticut	Louisiana	New Mexico	Utah
Delaware	Maine	New York	Vermont
District of Columbia	Maryland	North Carolina	Virginia
Georgia	Massachusetts	North Dakota	Virgin Islands
Idaho	Michigan	Oklahoma	Washington
Illinois	Minnesota	Oregon	West Virginia
	Mississippi	Pennsylvania	Wisconsin
	Missouri	Puerto Rico	Wyoming
		Rhode Island	United States***:
			FECA
			LHWCA

Special Provisions

Alaska.....	Employer liability for palliative care ends at date of medical stability unless the care enables continuance of time of treatment employment, enables continuance of participation in an approved reemployment plan, or relieves chronic, debilitating pain.
Arkansas.....	Employer liability ceases six months after injury where no time is lost from work, or six months after a claimant returns to work, or a maximum of \$10,000 has been paid, unless the employer waives rights or the Commission extends time and dollar limits.
California.....	Chiropractic, physical therapy, and occupational therapy visits limited to 24 per specialty. Insurer may authorize additional visits.

*See Introduction page.

**No time or monetary limitations.

***Federal Employees' Compensation Act;
Longshore and Harbor Workers' Compensation Act.

TABLE 5a. MEDICAL BENEFITS PROVIDED BY WORKERS' COMPENSATION STATUTES (cont.)

Special Provisions (cont.)

Florida.....	After maximum medical improvement is reached, a \$10 patient co-payment is required for all medical services. If injured worker fails to show for a scheduled independent medical examination, injured worker is liable for 50% of the <u>no show</u> fee charged by provider. If an injured worker requests an independent medical examination, he/she must pay for the examination unless the employee prevails in the medical dispute.
Hawaii.....	The frequency and extent of treatment cannot exceed the nature of injury and the process required for recovery. Authorization is not required for the initial 15 treatments of the injury during the first 60 calendar days.
Ohio.....	After the employee has received temporary total disability compensation for 90 days, the employee must be examined by the Bureau of Workers' Compensation Medical Section to determine eligibility for continuation of compensation and the appropriateness of medical treatment being provided.
Montana.....	A claimant copayment of \$25 for each subsequent visit to a hospital emergency department for treatment is required, unless the visit is for treatment requested by an insurer.
Tennessee.....	Medical benefits include psychological treatment if rendered by a psychologist and upon the referral by a physician. Medical treatment required for a back injury shall include a chiropractor.

TABLE 5b. METHODS OF PHYSICIAN SELECTION PROVIDED BY WORKERS' COMPENSATION STATUTES

Initial Choice	Employee Choice of Physician		Employer Selection of Physician	Employer Initial Selection		State Agency Selects Physician
	Selection from list prepared by State Agency	Selection from list maintained by employer		May be changed by State Agency	After specified periods stated in law, employee has free choice	
Alaska 1/ Arizona 2/ Connecticut 5/ Delaware District of Columbia Hawaii Illinois Kentucky 8/ Louisiana Maryland 9/ Massachusetts Minnesota 10/ Mississippi Montana 11/ Nebraska Nevada 12/ New Hampshire North Dakota 13/ Ohio Oregon Rhode Island South Dakota	New York Texas 15/	Florida 6/ Georgia Tennessee Virginia 18/ Pennsylvania 20/	Alabama Florida 7/ Indiana Iowa Kansas Missouri New Jersey Oklahoma 14/ South Carolina	Arkansas 3/ Colorado Idaho North Carolina	California 4/ Maine Michigan New Mexico Utah 16/ Vermont 17/	Puerto Rico

TABLE 5b. METHODS OF PHYSICIAN SELECTION PROVIDED BY WORKERS' COMPENSATION STATUTES (cont.)

Initial Choice	Employee Choice of Physician		Employer Selection of Physician	Employer Initial Selection		State Agency Selects Physician
	Selection from list prepared by State Agency	Selection from list maintained by employer		May be changed by State Agency	After specified periods stated in law, employee has free choice	
Virgin Islands						
Washington						
West Virginia						
Wisconsin						
Wyoming 19/						
United States*:						
FECA						
LHWCA						

1/ Alaska - Employer may establish preferred provider list but must instruct employees that they may choose any provider without regard to inclusion on employer's list.

2/ Arizona - If employer is self-insured, employer may choose physician, except in emergencies.

3/ Arkansas- Employee may petition for a one-time change-of-physician.

4/ California - Unless the employer or the employer's insurer has established a "medical provider network", employer has initial selection of physician and employee can change to physician of own choosing after 30 days. Employees who have notified his or her employer in writing prior to injury that they have a personal physician, and whose providers provide nonoccupational health care coverage, have the right to be treated by their personal physician after job-related injury. By statute, a maximum of seven percent of all employees statewide may so predesignate. The right to be treated by one's personal physician at the outset of injury also applies if the employer has failed to post notice of workers' compensation rights as required. If an employer or insurer has established a medical provider network, then under most conditions the employer controls the initial selection of physician and all care must be provided within the network for the life of the claim.

5/ Connecticut - An employee has initial choice of physician only if employer does not have a managed care plan established.

TABLE 5b. METHODS OF PHYSICIAN SELECTION PROVIDED BY WORKERS' COMPENSATION STATUTES (cont.)

- 6/ Florida - Employee selects from list supplied by carrier or managed care organization when medical care is provided through an authorized managed care arrangement. Employee may petition for a one-time change of physician.
- 7/ Florida - If medical care is provided outside an authorized managed care arrangement.
- 8/ Kentucky - Employee selects from list supplied by carrier on managed care organization when medical care is provided through an authorized managed care arrangement.
- 9/ Maryland - Employer recommendation of physician is also allowed, but is not binding on employee.
- 10/ Minnesota - However, if there is a managed care plan in effect, employee is obligated to see a physician in the plan network, unless a relationship has developed with a physician outside plan. Prior relationship is presumed if employee has seen the physician twice within the two years before the date of injury.
- 11/ Montana - Employee initially chooses the physician. Upon referral to a certified managed care plan, the MCO chooses the physician.
- 12/ Nevada - Nevada's selection of physicians and chiropractors are governed by NRS 616C.090; except in emergency, if the employer's workers' compensation insurer has entered into a managed care contract or health care service provider contract, the injured employee must choose the treating physician or chiropractor or health care service provider according to the terms of the contract. If the insurer has not entered into such a contract, the injured employee may choose his treating physicians and chiropractors that DIR has established. If the injured employee is dissatisfied with his initial treating doctor, he may choose an alternative physician or chiropractor within 90 days after his injury.
- 13/ North Dakota - All Employers may select a designated medical provider. Employee may opt out and choose a different provider in writing and prior to injury.
- 14/ Oklahoma - Employer makes initial choice of physician within first three days of actual knowledge of employee injury or per a Certified Workplace Medical Plan (CWMP) (Managed Care). If emergency medical care is required or if the employer fails or neglects to provide medical care, then employee can choose treating physician.
- 15/ Texas - In Network: Employee chooses physician from list of network doctors and is allowed one change without approval. Subsequent changes must be approved by network. Non-Network: Employee chooses physician from the division's approved doctor list (ADL) and is allowed one change of doctor with division approval.
- 16/ Utah - Employee may make one choice of physician after initially seeing the employer's physician.
- 17/ Vermont - applies to treating physician; employer retains right to independent examinations.
- 18/ Virginia - Employer's list of physicians may also include chiropractors for treatment of employee's injuries.
- 19/ Wyoming - Employee makes choice.
- 20/ Pennsylvania - If no list is posted by the employer, then the employee can choose any physician.

* Federal Employees Compensation Act; Longshore and Harbor Workers' Compensation Act.