

House Bill 1318

By: Representatives Rogers of the 20th, Smith of the 12th, Shanahan of the 10th, Snow of the 2nd and Coleman of the 142nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 34-9-201 of the Official Code of Georgia Annotated, relating to the
2 selection of a physician from a panel of physicians, so as to authorize an employer to
3 schedule a medical appointment for an employee with an authorized treating physician; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 34-9-201 of the Official Code of Georgia Annotated, relating to the selection
8 of a physician from a panel of physicians, is amended by striking said Code section in its
9 entirety and inserting in lieu thereof the following:

10 "34-9-201.

11 (a) As used in this Code section, the term 'physician' shall include any person licensed to
12 practice a healing art and any remedial treatment and care in the State of Georgia.

13 (b) The employer may satisfy the requirements for furnishing medical care under Code
14 Section 34-9-200 in one of the following manners:

15 (1) The employer shall maintain a list of at least six physicians or professional
16 associations or corporations of physicians who are reasonably accessible to the
17 employees; provided, however, that the board may grant exceptions to the required size
18 of the panel where it is demonstrated that more than four physicians or groups of
19 physicians are not reasonably accessible. This list shall be known as the 'Panel of
20 Physicians.' At least one of the physicians must practice the specialty of orthopedic
21 surgery. Not more than two industrial clinics shall be included on the panel. An
22 employee may accept the services of a physician selected by the employer from the panel
23 or may select another physician from the panel. The physicians selected under this
24 subsection from the panel may arrange for any consultation, referral, and extraordinary
25 or other specialized medical services as the nature of the injury shall require without prior
26 authorization from the board; provided, however, that any medical practitioner providing

1 services as arranged by a primary authorized treating physician under this subsection
2 shall not be permitted to arrange for any additional referrals. The employee may make
3 one change from one physician to another on the same panel without prior authorization
4 of the board;

5 (2) The employer may maintain a list of physicians in conformity with the guidelines and
6 criteria established and contained in the Rules and Regulations of the State Board of
7 Workers' Compensation. This list shall be known as the 'Conformed Panel of
8 Physicians.' An employee may obtain the services of any physician from the conformed
9 panel and may thereafter also elect to change to another physician on the panel without
10 prior authorization of the board. The physician so selected will then become the primary
11 authorized treating physician in control of the employee's medical care and may arrange
12 for any consultation, referral, and extraordinary or other specialized medical services as
13 the nature of the injury shall require without prior authorization by the board; provided,
14 however, that any of the physicians to whom the employee is referred by the primary
15 authorized treating physician shall not be permitted to arrange for any additional referrals;
16 or

17 (3) A self-insured employer or the workers' compensation insurer of an employer may
18 contract with a managed care organization certified pursuant to Code Section 34-9-208
19 for medical services required by this chapter to be provided to injured employees.
20 Medical services provided under this paragraph shall be known as 'Managed Care
21 Organization Procedures.' Those employees who are subject to the contract shall receive
22 medical services in the manner prescribed in the contract. Each such contract must
23 comply with the certification standards provided in Code Section 34-9-208. Self-insured
24 employers or workers' compensation insurers who contract with a managed care
25 organization for medical services shall give notice to the employees of the eligible
26 medical service providers and such other information regarding the contract and manner
27 of receiving medical services as the board may prescribe.

28 (c) Consistent with the method elected under subsection (b) of this Code section, the
29 employer shall post the Panel of Physicians or Conformed Panel of Physicians or Managed
30 Care Organization Procedures in prominent places upon the business premises and
31 otherwise take all reasonable measures to ensure that employees:

32 (1) Understand the function of the panel or managed care organization procedures and
33 the employee's right to select a physician therefrom in case of injury; and

34 (2) Are given appropriate assistance in contacting panel or managed care organization
35 members when necessary.

36 (d) Notwithstanding the other provisions contained in this Code section, if an inability to
37 make a selection of a physician as prescribed in this Code section is the result of an

1 emergency or similarly justifiable reason, the selection requirements of this Code section
2 shall not apply as long as such inability persists.

3 (e) Upon the request of an employee or an employer, or upon its own motion, the board
4 may order a change of physician or treatment as provided under Code Section 34-9-200.

5 (f) If the employer fails to provide any of the procedures for selection of physicians as set
6 forth in subsection (c) of this Code section, an employee may select any physician to render
7 service at the expense of the employer.

8 (g) The board shall promulgate rules and regulations to ensure, whenever feasible, the
9 participation of minority physicians on panels of physicians maintained by employers or
10 in managed care organizations pursuant to this Code section.

11 (h) The employer shall be authorized to schedule the date and time of an appointment with
12 an authorized treating physician designated and paid for by the employer for examination
13 of an employee, to which such employee shall submit upon notification."

14 **SECTION 2.**

15 All laws and parts of laws in conflict with this Act are repealed.