

HOUSE BILL No. 4832

May 30, 2001, Introduced by Reps. Switalski, Lemmons, Lipsey, Adamini, McConico, Wojno, Waters, Gielegghem, Minore, Bovin, Bogardus and Bernero and referred to the Committee on Insurance and Financial Services.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 385 (MCL 418.385), as amended by 1985
PA 103.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 385. After the employee has given notice of injury and
2 from time to time thereafter during the continuance of his or her
3 disability, if so requested by the employer or the carrier, he or
4 she shall submit himself or herself to an examination by a physi-
5 cian or surgeon authorized to practice medicine under the laws of
6 the state, furnished and paid for by the employer or the
7 carrier. NOT LESS THAN 20 DAYS BEFORE SUCH A REQUEST IS MADE,
8 THE EMPLOYER OR CARRIER SHALL FURNISH A LIST OF NOT LESS THAN
9 3 PHYSICIANS OR SURGEONS TO THE EMPLOYEE. THE LIST SHALL
10 INCLUDE, AT A MINIMUM, THE NAME, ADDRESS, PHONE NUMBER, AND ANY

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1 SPECIALTY AREA OF PRACTICE FOR EACH PERSON ON THE LIST. THE
2 EMPLOYEE SHALL SELECT 1 OF THE NAMES FROM THE LIST WITHIN
3 7 DAYS. THIS SELECTION SHALL BE THE PHYSICIAN OR SURGEON PAID
4 FOR BY THE EMPLOYER PURSUANT TO THIS SECTION. If an examination
5 relative to the injury is made, the employee or his or her attor-
6 ney shall be furnished, within 15 days of a request, a complete
7 and correct copy of the report of ~~every such~~ EACH physical
8 examination relative to the injury performed by the physician
9 making the examination on behalf of the employer or the carrier.
10 The employee shall have the right to have a physician provided
11 and paid for by himself or herself present at the examination.
12 If he or she refuses to submit himself or herself for the exami-
13 nation, or in any way obstructs the ~~same~~ EXAMINATION, his or
14 her right to compensation shall be suspended and his or her com-
15 pensation during the period of suspension may be forfeited. Any
16 physician who makes or is present at any such examination may be
17 required to testify under oath as to the results ~~thereof~~ OF THE
18 EXAMINATION. If the employee has had other physical examinations
19 relative to the injury but not at the request of the employer or
20 the carrier, he or she shall furnish to the employer or the car-
21 rier a complete and correct copy of the report of each ~~such~~
22 physical examination, if so requested, within 15 days ~~of~~ AFTER
23 the request. If a party fails to provide a medical report
24 regarding an examination or medical treatment, that party shall
25 be precluded from taking the medical testimony of that physician
26 only. The opposing party may, however, elect to take the
27 deposition of that physician.