

# SENATE BILL No. 1643

November 13, 2008, Introduced by Senator KUIPERS and referred to the Committee on Commerce and Tourism.

A bill to amend 1969 PA 317, entitled  
"Worker's disability compensation act of 1969,"  
by amending sections 360, 385, and 865 (MCL 418.360, 418.385, and  
418.865), section 385 as amended by 1985 PA 103.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 360. (1) A person who suffers an injury arising out of  
2       and in the course of employment as a professional athlete **OR**  
3       **SEMIPROFESSIONAL ATHLETE** shall be entitled to weekly benefits only  
4       when the person's average weekly wages in all employments at the  
5       time of application for benefits, and thereafter, as computed in  
6       accordance with section 371, are less than 200% of the state  
7       average weekly wage.

8       (2) This section shall not be construed to prohibit an  
9       otherwise eligible person from receiving benefits under section

1 315, 319, or 361.

2 Sec. 385. After the employee has given notice of injury and  
3 from time to time thereafter during the continuance of his or her  
4 disability, if so requested by the employer or the carrier, ~~he or~~  
5 ~~she~~ **THE EMPLOYEE** shall submit himself or herself to an examination  
6 by a physician or ~~surgeon authorized to practice medicine under the~~  
7 ~~laws of the~~ **A CERTIFIED NURSE PRACTITIONER, LICENSED, REGISTERED,**  
8 **CERTIFIED, OR OTHERWISE AUTHORIZED TO PRACTICE IN THIS** state,  
9 furnished and paid for by the employer or the carrier. If an  
10 examination relative to the injury is made, the employee or his or  
11 her attorney shall be furnished, within 15 days of a request, a  
12 complete and correct copy of the report of every ~~such~~ physical  
13 examination relative to the injury performed by the physician **OR**  
14 **CERTIFIED NURSE PRACTITIONER** making the examination on behalf of  
15 the employer or the carrier. The employee shall have the right to  
16 have a physician **OR CERTIFIED NURSE PRACTITIONER** provided and paid  
17 for by himself or herself present at the examination. If ~~he or she~~  
18 **THE EMPLOYEE** refuses to submit himself or herself for the  
19 examination, or in any way obstructs the same, his or her right to  
20 compensation shall be suspended and his or her compensation during  
21 the period of suspension may be forfeited. Any physician **OR**  
22 **CERTIFIED NURSE PRACTITIONER** who makes or is present at ~~any such~~  
23 **THE** examination may be required to testify under oath as to the  
24 results thereof **OF THE EXAMINATION**. If the employee has had other  
25 physical examinations relative to the injury but not at the request  
26 of the employer or the carrier, ~~he or she~~ **THE EMPLOYEE** shall  
27 furnish to the employer or the carrier a complete and correct copy

1 of the report of each ~~such~~ physical examination, if ~~so~~ requested,  
2 within 15 days of the request. If a party fails to provide a  
3 medical report regarding an examination or medical treatment, that  
4 party shall be precluded from taking the medical testimony of that  
5 physician **OR CERTIFIED NURSE PRACTITIONER** only. The opposing party  
6 may, however, elect to take the deposition of that physician **OR**  
7 **CERTIFIED NURSE PRACTITIONER**.

8       Sec. 865. The ~~bureau~~ **WORKERS' COMPENSATION AGENCY** may appoint  
9 ~~a duly qualified~~ **AN** impartial physician **OR CERTIFIED NURSE**  
10 **PRACTITIONER** to examine the injured employee and to report **THE**  
11 **RESULTS OF THAT EXAMINATION**. The fee for this service ~~shall be~~ **IS**  
12 \$5.00 and traveling expenses, but the ~~bureau~~ **WORKERS' COMPENSATION**  
13 **AGENCY** may allow additional reasonable amounts in extraordinary  
14 cases.