

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

2

HOUSE BILL 891*
Committee Substitute Favorable 4/24/97

Short Title: Workers' Compensation Medical Care.

(Public)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW AN EMPLOYER AND ITS REPRESENTATIVES TO
2 CONTACT AN EMPLOYEE'S TREATING PHYSICIAN AS NECESSARY TO
3 EXERCISE THE EMPLOYER'S RIGHT TO DIRECT MEDICAL TREATMENT
4 AND TO OBTAIN INFORMATION REGARDING MEDICAL TREATMENT.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 97-25 reads as rewritten:

8 **"§ 97-25. Medical treatment and supplies.**

9 Medical compensation shall be provided by the employer. Notwithstanding the
10 provisions of G.S. 8-53, any law relating to the privacy of medical records or
11 information, and the prohibition against ex parte communications at common law, an
12 employer paying medical compensation to a provider rendering treatment under this
13 Chapter may obtain records of the treatment without the express authorization of the
14 employee. The Commission shall adopt rules that govern additional methods of oral and
15 written communications between an employer paying compensation under this Chapter
16 and medical care providers. These rules shall protect the employee's right to a
17 confidential physician-patient relationship, while facilitating the release of information
18 necessary to the administration of the employee's claim. In case of a controversy arising
19 between the employer and employee relative to the continuance of medical, surgical,

1 hospital, or other treatment, the Industrial Commission may order such further treatments
2 as may in the discretion of the Commission be necessary.

3 The Commission may at any time upon the request of an employee order a change of
4 treatment and designate other treatment suggested by the injured employee subject to the
5 approval of the Commission, and in such a case the expense thereof shall be borne by the
6 employer upon the same terms and conditions as hereinbefore provided in this section for
7 medical and surgical treatment and attendance.