

1 S.233

2 Introduced by Senator Campbell

3 Referred to Committee on

4 Date:

5 Subject: Labor; workers' compensation; medical examination

6 Statement of purpose of bill as introduced: This bill proposes to require a  
7 workers' compensation medical examination to take place within a 50-mile  
8 radius of the residence of the injured worker.

9 An act relating to workers' compensation medical examination

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 21 V.S.A. § 655 is amended to read:

12 § 655. PROCEDURE IN OBTAINING COMPENSATION; MEDICAL  
13 EXAMINATION; VIDEO AND AUDIO RECORDING

14 After an injury and during the period of disability, if so requested by his or  
15 her employer, or ordered by the Commissioner, the employee shall submit to  
16 examination, at reasonable times and ~~places~~ within a 50-mile radius of the  
17 residence of the injured employee, by a duly licensed physician or surgeon  
18 designated and paid by the employer. The Commissioner may in his or her  
19 discretion permit an examination outside the 50-mile radius if it is necessary to  
20 obtain the services of a provider who specializes in the evaluation and

1 treatment specific to the nature and extent of the employee's injury. The  
2 employee may make a video or audio recording of any examination performed  
3 by the insurer's physician or surgeon or have a licensed health care provider  
4 designated and paid by the employee present at the examination. The  
5 employer may make an audio recording of the examination. The right of the  
6 employee to record the examination shall not be construed to deny to the  
7 employer's physician the right to visit the injured employee at all reasonable  
8 times and under all reasonable conditions during total disability. If an  
9 employee refuses to submit to or in any way obstructs the examination, the  
10 employee's right to prosecute any proceeding under the provisions of this  
11 chapter shall be suspended until the refusal or obstruction ceases, and  
12 compensation shall not be payable for the period which the refusal or  
13 obstruction continues.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2014.