

HOUSE BILL No. 5238

September 28, 2005, Introduced by Reps. Mortimer, Gaffney, Hune, Byrnes, Wojno and Vander Veen and referred to the Committee on Employment Relations, Training, and Safety.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending sections 385 and 865 (MCL 418.385 and 418.865), section
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~~ **THE EMPLOYEE** shall submit himself or herself to an examination
5 by a physician ~~or surgeon authorized to practice medicine under~~
6 ~~the laws of the~~ **OR A CERTIFIED NURSE PRACTITIONER, LICENSED OR**
7 **CERTIFIED TO PRACTICE IN THIS** state, furnished and paid for by the

1 employer or the carrier. If an examination relative to the injury
2 is made, the employee or his or her attorney shall be furnished,
3 within 15 days of a request, a complete and correct copy of the
4 report of every ~~such~~ physical examination relative to the injury
5 performed by the physician **OR CERTIFIED NURSE PRACTITIONER** making
6 the examination on behalf of the employer or the carrier. The
7 employee shall have the right to have a physician **OR CERTIFIED**
8 **NURSE PRACTITIONER** provided and paid for by himself or herself
9 present at the examination. If ~~he or she~~ **THE EMPLOYEE** refuses to
10 submit himself or herself for the examination, or in any way
11 obstructs the same, his or her right to compensation shall be
12 suspended and his or her compensation during the period of
13 suspension may be forfeited. Any physician **OR CERTIFIED NURSE**
14 **PRACTITIONER** who makes or is present at ~~any such~~ **THE** examination
15 may be required to testify under oath as to the results ~~thereof~~
16 **OF THE EXAMINATION**. If the employee has had other physical
17 examinations relative to the injury but not at the request of the
18 employer or the carrier, ~~he or she~~ **THE EMPLOYEE** shall furnish to
19 the employer or the carrier a complete and correct copy of the
20 report of each ~~such~~ physical examination, if ~~so~~ requested,
21 within 15 days of the request. If a party fails to provide a
22 medical report regarding an examination or medical treatment, that
23 party shall be precluded from taking the medical testimony of that
24 physician **OR CERTIFIED NURSE PRACTITIONER** only. The opposing party
25 may, however, elect to take the deposition of that physician **OR**
26 **CERTIFIED NURSE PRACTITIONER**.

27 Sec. 865. The ~~bureau~~ **WORKERS' COMPENSATION AGENCY** may

1 appoint ~~a duly qualified~~ **AN** impartial physician **OR CERTIFIED**
2 **NURSE PRACTITIONER** to examine the injured employee and to report
3 **THE RESULTS OF THAT EXAMINATION**. The fee for this service ~~shall be~~
4 **IS** \$5.00 and traveling expenses, but the ~~bureau~~ **WORKERS'**
5 **COMPENSATION AGENCY** may allow additional reasonable amounts in
6 extraordinary cases.