



HOUSE BILL No. 5642

April 18, 2000, Introduced by Reps. Switalski, Dennis, Bovin, O'Neil, Basham, Bogardus, Neumann, Hale, Hardman, Reeves and Lemmons 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 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 FEWER THAN 3
9 PHYSICIANS OR SURGEONS TO THE EMPLOYEE. THE LIST SHALL INCLUDE,
10 AT A MINIMUM, THE NAME, ADDRESS, PHONE NUMBER, AND ANY SPECIALTY

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