

REFERENCE TITLE: workers' compensation; evidence based treatment

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2365

Introduced by
Representative Fann

AN ACT

AMENDING SECTION 23-1062, ARIZONA REVISED STATUTES; RELATING TO WORKERS'
COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 23-1062, Arizona Revised Statutes, is amended to
3 read:

4 23-1062. Medical, surgical, hospital benefits; evidence based
5 treatment guidelines; commencement of compensation;
6 method of compensation; definitions

7 A. Promptly, upon notice to the employer, every injured employee shall
8 receive medical, surgical and hospital benefits or other treatment, nursing,
9 medicine, surgical supplies, crutches and other apparatus, including
10 artificial members, reasonably required at the time of the injury, and during
11 the period of disability. Such benefits shall be termed "medical, surgical
12 and hospital benefits."

13 B. THE TREATMENT GUIDELINES THAT ARE ESTABLISHED BY THE AMERICAN
14 COLLEGE OF OCCUPATIONAL AND ENVIRONMENTAL MEDICINE'S OCCUPATIONAL MEDICINE
15 PRACTICE GUIDELINES, AS AMENDED, SHALL BE PRESUMPTIVELY CORRECT ON THE ISSUE
16 OF EXTENT AND SCOPE OF MEDICAL TREATMENT. THE PRESUMPTION IS REBUTTABLE AND
17 MAY BE CONTROVERTED BY A PREPONDERANCE OF THE EVIDENCE THAT ESTABLISHES THAT
18 A VARIANCE FROM THE GUIDELINES IS BOTH:

19 1. NECESSARY TO PROVIDE THE TREATMENT UNDER SUBSECTION A OF THIS
20 SECTION.

21 2. CONSISTENT WITH OTHER NATIONALLY RECOGNIZED EVIDENCE BASED MEDICAL
22 TREATMENT GUIDELINES.

23 C. FOR ALL INJURIES OR ILLNESSES THAT ARE NOT COVERED BY THE AMERICAN
24 COLLEGE OF OCCUPATIONAL AND ENVIRONMENTAL MEDICINE'S OCCUPATIONAL MEDICINE
25 PRACTICE GUIDELINES, AUTHORIZED TREATMENT SHALL BE ACCORDING TO OTHER
26 NATIONALLY RECOGNIZED EVIDENCE BASED MEDICAL TREATMENT GUIDELINES THAT ARE
27 GENERALLY RECOGNIZED BY THE NATIONAL MEDICAL COMMUNITY AND THAT ARE
28 SCIENTIFICALLY BASED. A PHYSICIAN WHO DISAGREES WITH THE MODIFICATION OR
29 DENIAL OF TREATMENT PURSUANT TO A DETERMINATION UNDER THE AMERICAN COLLEGE OF
30 OCCUPATIONAL AND ENVIRONMENTAL MEDICINE'S GUIDELINES SHALL SUPPORT A REQUEST
31 FOR TREATMENT WITH SPECIFIC REFERENCE TO, INCLUDING EXCERPTS FROM, OTHER
32 NATIONALLY RECOGNIZED EVIDENCE BASED MEDICAL TREATMENT GUIDELINES.

33 ~~B.~~ D. The first installment of compensation is to be paid no later
34 than the twenty-first day after written notification by the commission to the
35 carrier of the filing of a claim except where the right to compensation is
36 denied. Thereafter, compensation shall be paid at least once each two weeks
37 during the period of temporary total disability and at least monthly
38 thereafter. Compensation shall not be paid for the first seven days after
39 the injury. If the incapacity extends beyond the period of seven days,
40 compensation shall begin on the eighth day after the injury, but if the
41 disability continues for one week beyond such seven days, compensation shall
42 be computed from the date of the injury.

43 ~~C.~~ E. Compensation shall be made by a negotiable instrument, payable
44 immediately upon demand.

45 F. FOR THE PURPOSES OF THIS SECTION:

1 1. "EVIDENCE BASED" MEANS EVIDENCE THAT IS BASED ON A SYSTEMATIC
2 REVIEW OF RIGOROUS, SCIENTIFIC MEDICAL STUDIES THAT GUIDE EFFECTIVE MEDICAL
3 DECISION MAKING AND THAT ENSURE THE CONSISTENT USE OF PROVEN MEDICAL
4 PRACTICES.

5 2. "MEDICAL TREATMENT GUIDELINES" MEANS WRITTEN RECOMMENDATIONS THAT
6 ARE SYSTEMATICALLY DEVELOPED THROUGH A COMPREHENSIVE LITERATURE SEARCH,
7 SUPPORTED BY A HIERARCHY OF EVIDENCE, REVIEWED AND UPDATED AS NECESSARY AT
8 LEAST EVERY THREE YEARS AND THAT GUIDE DECISION MAKING ABOUT THE APPROPRIATE
9 HEALTH CARE FOR SPECIFIC CLINICAL CIRCUMSTANCES.

10 3. "NATIONALLY RECOGNIZED EVIDENCE BASED MEDICAL TREATMENT GUIDELINES"
11 MEANS GUIDELINES THAT ARE DEVELOPED BY A MULTIDISCIPLINARY CLINICAL PANEL,
12 PUBLISHED IN A PEER REVIEWED MEDICAL JOURNAL, ENDORSED AND DISSEMINATED BY A
13 NATIONAL ORGANIZATION BASED IN TWO OR MORE STATES AND THAT ARE USED
14 NATIONWIDE.

15 4. "PEER REVIEWED" MEANS THAT THE CONTENT, METHODOLOGY AND RESULTS OF
16 A MEDICAL STUDY HAVE BEEN EVALUATED BY AN EDITORIAL BOARD OF QUALIFIED
17 EXPERTS BEFORE APPROVAL TO PUBLISH THE RESEARCH IS GRANTED.