

REFERENCE TITLE: injury reports; medical treatment

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HB 2120

Introduced by  
Representative Kaiser

AN ACT

AMENDING SECTION 23-908, 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 23-908, Arizona Revised Statutes, is amended to  
3 read:

4 23-908. Injury reports by employer and physician; schedule of  
5 fees; violation; classification

6 A. Every employer that is affected by this chapter, and every  
7 physician who attends an injured employee of that employer, shall file  
8 with the commission and the employer's insurance carrier from time to time  
9 a full and complete report of every known injury to the employee arising  
10 out of or in the course of employment and resulting in loss of life or  
11 injury **REQUIRING MEDICAL TREATMENT**. The report shall be furnished to the  
12 commission and the insurance carrier at times and in the form and detail  
13 the commission prescribes, and the report shall make special answers to  
14 all questions required by the commission under its rules. **FOR THE**  
15 **PURPOSES OF THIS SUBSECTION, MEDICAL TREATMENT DOES NOT INCLUDE ANY**  
16 **ONETIME, SHORT-TERM TREATMENT BY NONMEDICAL STAFF THAT REQUIRES LITTLE**  
17 **TECHNOLOGY OR TRAINING TO ADMINISTER, INCLUDING TREATMENT OF MINOR**  
18 **SCRATCHES, CUTS, BURNS AND SPLINTERS AND OTHER ISSUES THAT ORDINARILY DO**  
19 **NOT REQUIRE MEDICAL CARE.**

20 B. The commission shall fix a schedule of fees to be charged by  
21 physicians, physical therapists or occupational therapists attending  
22 injured employees and, subject to subsection C of this section, for  
23 prescription medicines required to treat an injured employee under this  
24 chapter. Notwithstanding subsection C of this section, the schedule of  
25 fees may include other reimbursement guidelines for medications dispensed  
26 in settings that are not accessible to the general public. The commission  
27 shall annually review the schedule of fees. For the purposes of this  
28 subsection, settings that are not accessible to the general public do not  
29 include mail order pharmacies delivering pharmaceutical services to  
30 workers' compensation claimants, if both of the following apply:

31 1. The pharmacy does not limit or restrict access to claimants with  
32 an affiliation to a medical provider or other entity.

33 2. Any medical provider or other entity referring a claimant to the  
34 pharmacy does not receive or accept any rebate, refund, commission,  
35 preference or other consideration as compensation for the referral.

36 C. If a schedule of fees for prescription medicines adopted  
37 pursuant to subsection B of this section includes provisions regarding the  
38 use of generic equivalent drugs or interchangeable biological products,  
39 those provisions shall comply with section 32-1963.01, subsections A, B  
40 and D through L. If the commission considers the adoption of fee schedule  
41 provisions that involve specific prices, values or reimbursements for  
42 prescription drugs, the commission shall base the adoption on studies or  
43 practices that are validated and accepted in the industry, including the  
44 applicability of formulas that use average wholesale price, plus a

1 dispensing fee, and that have been made publicly available for at least  
2 one hundred eighty days before any hearing conducted by the commission.

3 D. Notwithstanding section 12-2235, information obtained by any  
4 physician or surgeon examining or treating an injured person shall not be  
5 considered a privileged communication if that information is requested by  
6 interested parties for a proper understanding of the case and a  
7 determination of the rights involved. Hospital records of an employee  
8 concerning an industrial claim shall not be considered privileged if  
9 requested by an interested party in order to determine the rights  
10 involved. Medical information from any source pertaining to conditions  
11 unrelated to the pending industrial claim shall remain privileged.

12 E. When an accident occurs to an employee, the employee shall  
13 forthwith report the accident and the injury resulting from the accident  
14 to the employer, and any physician employed by the injured employee shall  
15 forthwith report the accident and the injury resulting from the accident  
16 to the employer, the insurance carrier and the commission.

17 F. If an accident occurs to an employee, the employer may designate  
18 in writing a physician chosen by the employer, who shall be allowed by the  
19 employee, or any person in charge of the employee, to make one examination  
20 of the injured employee in order to ascertain the character and extent of  
21 the injury occasioned by the accident. The physician so chosen shall  
22 forthwith report to the employer, the insurance carrier and the commission  
23 the character and extent of the injury as the physician ascertains. If  
24 the accident is not reported by the employee or the employee's physician  
25 forthwith, as required, or if the injured employee or those in charge of  
26 the employee refuse to allow the employer's physician to make the  
27 examination, and the injured employee is a party to the refusal, no  
28 compensation shall be paid for the injury claimed to have resulted from  
29 the accident. The commission may relieve the injured person or that  
30 person's dependents from the loss or forfeiture of compensation if it  
31 believes after investigation that the circumstances attending the failure  
32 on the part of the employee or physician to report the accident and injury  
33 are such as to have excused them.

34 G. Within ten days after receiving notice of an accident, the  
35 employer shall inform the insurance carrier and the commission on the  
36 forms and in the manner as prescribed by the commission.

37 H. Immediately on notice to the employer of an accident resulting  
38 in an injury to an employee, the employer shall provide the employee with  
39 the name and address of the employer's insurance carrier, the policy  
40 number and the expiration date.

41 I. Any person failing or refusing to comply with this section is  
42 guilty of a petty offense.

1 J. Subsection B of this section does not prohibit:

2 1. A ~~healthcare~~ HEALTH CARE provider or pharmacy from entering into  
3 a separate contract or network that governs fees, in which case  
4 reimbursement shall be made according to the applicable contracted charge  
5 or negotiated rate.

6 2. An employer from directing medical, surgical or hospital care  
7 pursuant to ~~the provisions of~~ section 23-1070.