

Bill as
Introduced

HB 546 - AS INTRODUCED

2013 SESSION

13-0610
01/09

HOUSE BILL

546

AN ACT

relative to medical examinations under workers' compensation.

SPONSORS:

Rep. Goley, Hills 8; Rep. Wall, Straf 6; Rep. Copeland, Rock 19;
Rep. H. Richardson, Coos 4; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18

COMMITTEE:

Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill clarifies the conduct of independent medical examinations under workers' compensation.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to medical examinations under workers' compensation.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Independent Medical Examinations. Amend RSA 281-A:38, II to read as follows:

2 II. Any health care provider conducting independent medical examinations under this
3 chapter shall be certified by the appropriate specialty board as recognized by the American Board of
4 Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by
5 such board ***and chosen at random from a list maintained by the commissioner.*** The health
6 care provider shall maintain a current practice in that area of specialty ***and submit a statement***
7 ***stating his or her willingness to provide medical examinations in compliance with this***
8 ***chapter.*** The independent medical examination shall take place within a 50-mile radius of the
9 residence of the injured employee, unless, within the discretion of the commissioner, ***or the***
10 ***agreement or request of the injured employee,*** examination outside the 50-mile radius is
11 necessary to obtain the services of a provider who specializes in the evaluation and treatment
12 specific to the nature and extent of the employee's injury. The injured employee shall not be
13 required to submit to more than 2 independent medical examinations per year, unless within the
14 discretion of the commissioner, more than 2 examinations are necessary. An injured employee shall
15 have the right to have a witness present during such examination. In the event that a witness is
16 present, including but not limited to a witness taking notes or observing, on behalf of the injured
17 employee, the witness shall not interfere in the examination in any way. The injured employee shall
18 be required to sign an authorization, as prepared by the commissioner, to the effect that he or she
19 understands that his or her medical history and condition or conditions will be discussed during said
20 examination and that he or she waives any right to privacy that he or she may have under the
21 circumstances of voluntarily allowing a witness to be present on his or her behalf. ***The***
22 ***commissioner's authorization for a waiver shall be the only waiver required or presented***
23 ***as a condition for a witness to be present on behalf of the injured employee.***

24 III. ***Nothing in this chapter shall prohibit the employer's insurer or if the employer***
25 ***is self-insured, the employer, from conducting a medical examination for use in its***
26 ***opposition of payment for injury suffered by the employee. In such instance the health care***
27 ***provider shall inform the injured employee that he or she is not conducting the***
28 ***examination for the benefit of the injured employee, but for the benefit of the insured other***
29 ***than the injured worker. The injured employee shall be given a form designed by the***
30 ***commissioner indicating the examination is not for the injured employee and such***
31 ***employee understands this. The injured employee shall have the right to have a witness***

1 *present, including but not limited to a witness taking notes or observing, on behalf of the*
2 *injured employee. The witness shall not interfere in the examination in any way. The*
3 *injured worker shall have a right to end any examination that does not meet medical*
4 *protocol for examination for the type of injury without penalty.*

5 2 Effective Date. This act shall take effect January 1, 2014.

HB 546 - AS AMENDED BY THE HOUSE

13Mar2013... 0642h

2013 SESSION

13-0610
01/09

HOUSE BILL

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AN ACT

relative to medical examinations under workers' compensation.

SPONSORS:

Rep. Goley, Hills 8; Rep. Wall, Straf 6; Rep. Copeland, Rock 19;
Rep. H. Richardson, Coos 4; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18

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13-0610
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to medical examinations under workers' compensation.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Workers' Compensation; Medical Examinations. Amend RSA 281-A:38, II to read as follows:

2 II. Any health care provider conducting [~~independent~~] **employer-required** medical
3 examinations under this chapter shall be certified by the appropriate specialty board as recognized
4 by the American Board of Medical Specialties or obtain the approval of the commissioner for those
5 specialties not recognized by such board. The health care provider shall maintain a current practice
6 in that area of specialty. The [~~independent~~] **employer-required** medical examination shall take
7 place within a 50-mile radius of the residence of the injured employee, unless, within the discretion
8 of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a
9 provider who specializes in the evaluation and treatment specific to the nature and extent of the
10 employee's injury. ***The injured employee shall be told that the exam is at the request of the***
11 ***employer. The injured employee shall not be required to submit to more than 2 [~~independent~~***
12 ***employer-required*** medical examinations per year, unless within the discretion of the
13 commissioner, more than 2 examinations are necessary. An injured employee shall have the right to
14 have a witness present during such examination. In the event that a witness is present, including
15 but not limited to a witness taking notes or observing, on behalf of the injured employee, the witness
16 shall not interfere in the examination in any way. The injured employee shall be required to sign an
17 authorization, as prepared by the commissioner, to the effect that he or she understands that his or
18 her medical history and condition or conditions will be discussed during said examination and that
19 he or she waives any right to privacy that he or she may have under the circumstances of voluntarily
20 allowing a witness to be present on his or her behalf.

21 2 Effective Date. This act shall take effect January 1, 2014.

HB 546 - FINAL VERSION

13Mar2013... 0642h
05/23/13 1590s
26June2013... 2103CofC

2013 SESSION

13-0610
01/09

HOUSE BILL **546**

AN ACT relative to medical examinations under workers' compensation.

SPONSORS: Rep. Goley, Hills 8; Rep. Wall, Straf 6; Rep. Copeland, Rock 19;
Rep. H. Richardson, Coos 4; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18

COMMITTEE: Labor, Industrial and Rehabilitative Services

AMENDED ANALYSIS

This bill requires any employer or insurance carrier providing notice to an injured employee regarding an independent medical examination under workers' compensation to include a certain disclosure in such notice.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

13Mar2013... 0642h
05/23/13 1590s
26June2013... 2103CofC

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3 chapter shall be certified by the appropriate specialty board as recognized by the American Board of
4 Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by
5 such board. The health care provider shall maintain a current practice in that area of specialty. The
6 independent medical examination shall take place within a 50-mile radius of the residence of the
7 injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile
8 radius is necessary to obtain the services of a provider who specializes in the evaluation and
9 treatment specific to the nature and extent of the employee's injury. *If an employer or insurance
10 carrier provides written notice to the injured employee regarding its request for an
11 independent medical examination, such notice shall be given 10 days before the
12 examination and shall include the following: "This medical examination is at the request
13 of either the employer or insurance carrier. The examination is not for the purpose of
14 treatment or advice about treatment but for a medical opinion about the employee's claim."*

15 The injured employee shall not be required to submit to more than 2 independent medical
16 examinations per year, unless within the discretion of the commissioner, more than 2 examinations
17 are necessary. An injured employee shall have the right to have a witness present during such
18 examination. In the event that a witness is present, including but not limited to a witness taking
19 notes or observing, on behalf of the injured employee, the witness shall not interfere in the
20 examination in any way. The injured employee shall be required to sign an authorization, as
21 prepared by the commissioner, to the effect that he or she understands that his or her medical
22 history and condition or conditions will be discussed during said examination and that he or she
23 waives any right to privacy that he or she may have under the circumstances of voluntarily allowing
24 a witness to be present on his or her behalf.

25 2 Effective Date. This act shall take effect January 1, 2014.

Amendments



Sen. Sanborn, Dist. 9
May 7, 2013
2013-1575s
01/09

Amendment to HB 546

1 Amend RSA 281-A:38, II as inserted by section 1 of the bill by replacing it with the following:

2

3 II. Any health care provider conducting independent medical examinations under this
4 chapter shall be certified by the appropriate specialty board as recognized by the American Board of
5 Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by
6 such board. The health care provider shall maintain a current practice in that area of specialty. The
7 independent medical examination shall take place within a 50-mile radius of the residence of the
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19 examination. In the event that a witness is present, including but not limited to a witness taking
20 notes or observing, on behalf of the injured employee, the witness shall not interfere in the
21 examination in any way. The injured employee shall be required to sign an authorization, as
22 prepared by the commissioner, to the effect that he or she understands that his or her medical
23 history and condition or conditions will be discussed during said examination and that he or she
24 waives any right to privacy that he or she may have under the circumstances of voluntarily allowing
25 a witness to be present on his or her behalf.



Amendment to HB 546
- Page 2 -

2013-1575s

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Amendment to HB 546

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21 examination in any way. The injured employee shall be required to sign an authorization, as
22 prepared by the commissioner, to the effect that he or she understands that his or her medical
23 history and condition or conditions will be discussed during said examination and that he or she
24 waives any right to privacy that he or she may have under the circumstances of voluntarily allowing
25 a witness to be present on his or her behalf.

2013-1590s

AMENDED ANALYSIS

This bill requires any employer or insurance carrier providing notice to an injured employee regarding an independent medical examination under workers' compensation to include a certain disclosure in such notice.

Committee Minutes

**SENATE CALENDAR NOTICE
COMMERCE**

Senator Andy Sanborn Chairman
 Senator Jeb Bradley V Chairman
 Senator Sam Cataldo
 Senator Andrew Hosmer
 Senator David Pierce

For Use by Senate Clerk's
Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: April 12, 2013

HEARINGS

Tuesday

4/23/2013

COMMERCE

LOB 101

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM	HB246	relative to falsity by employer.
1:20 PM	HB359	relative to mailing of notices and determinations by the department of employment security.
1:40 PM	HB440	relative to new hire reports to the department of employment security.
2:00 PM	HB546	relative to medical examinations under workers' compensation.
2:20 PM	HB647-FN	relative to appeals from the compensation appeals board.

Sponsors:

HB246

Rep. Andrew White

HB359

Rep. Andrew White

HB440

Rep. Andrew White

HB546

Rep. Jeffrey Goley

Rep. Timothy Copeland

HB647-FN

Rep. Gary Richardson

Sen. Bette Lasky

Rep. Herbert Richardson

Sen. Donna Soucy

Rep. Janet Wall

Patrick Murphy 271-8631

Sen. Andy Sanborn

Chairman

SENATE COMMERCE COMMITTEE

Patrick Murphy, Legislative Aide

House Bill 546 relative to medical examinations under workers' compensation.

Hearing Date: April 23, 2013

Time Opened: 2:04 p.m.

Time Closed: 3:04 p.m.

Members of the Committee Present:

Senator Sanborn, Senator Bradley, Senator Cataldo, Senator Pierce

Members of the Committee Absent: Senator Hosmer

Bill Analysis: This bill clarifies the conduct of independent medical examinations under workers' compensation.

Sponsors: Rep. Goley, Hills 8; Rep. Wall, Straff 6; Rep. Copeland, Rock 19; Rep. H. Richardson, Coos 4; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18

Who supports the bill: Rep. Goley, Hills 8; Rep. White, House Labor Committee; Doug Grauel, Grauel Law Office; Maureen Manning, Manning & Zimmerman, PLLC; Senator Soucy, Dist 18; Senator Lasky, Dist 13

Who opposes the bill: Dave Juvet, BIA; Peter McArdle, NH Association of Domestic Insurance Companies; Jim Owers, Sulloway & Hollis Law; George Roussos, AIA

Neutral: Martin Jenkins, Department of Labor

Summary of testimony presented in support:

Rep. Goley, Hills 8

- Medical exams are not independent because you are told what doctor to go to. It's not your choice. This bill would change the name of the exam to an employer required medical exam.
- Clarifying that this medical exam is required by the employer and not independent should reduce employee confusion.

Rep. White, House Labor Committee

- This came out of the House Labor Committee on a unanimous vote. We received testimony that convinced us this bill is necessary. We should be honest in what we call these medical exams.

Doug Grauel, Grauel Law Office

- Represents injured workers at his law practice. Has experience with workers who have not been clear about the process. The current statute is not clear enough; this is a chance to correct that. Benefits are at stake.

Maureen Manning, Manning & Zimmerman, PLLC

- We should have a level playing field. This isn't a cure all but why wouldn't we try to make sure that all sides are well informed? Some doctors perform hundreds of these exams per year.

Summary of testimony presented in opposition:

Peter McArdle, NH Association of Domestic Insurance Companies

- This is an unnecessary bill that does nothing to improve the workers' compensation system.
- The Department of Labor has rules that say a carriers shall notify the employee by letter, copy to the department, of a reasonably convenient time and place of the examination; and set forth the employee's rights, obligations and possible penalties under RSA 281-A:38 and RSA 281-A:39.
- There should be little doubt on the part of the injured employee that the Independent Medical Examination (IME) is at the request of the self-insured employer or the employer's insurance carrier.

Jim Owers, Sulloway & Hollis Law

- By the time in this process that the employee gets to the IME, they have figured it out. This bill isn't necessary.

George Roussos, AIA

- Suggested adding this language to rules rather than statute.

Summary of neutral testimony:

Martin Jenkins, Department of Labor

- The Department has not position. This bill will save us time. Some residents who use Department services do misunderstand this issue. We answer a lot of questions concerning these issues.

Fiscal Note: None

Future Action: Pending

Speakers

Senate Commerce Committee: Sign-In Sheet

Date: April 23, 2013

Time: 2:00 pm

Public Hearing on HB 546

HB 546

relative to medical examinations under works' compensation.

Name	Representing	Support	Oppose	Speaking?	Yes	No
✓ Dave Juret	BIA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Andrew White	House Labor Committee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ PETER MCARDLE	NH ASSOCIATION OF DOMESTIC INSURANCE COMPANIES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Rep. Jeff Coley	Hills. 8 Manchester Ward 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Jim Owens	SULLOWAY + HOLLIS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Doug Grauel	Grauel law office	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Maureen Manning	Manning + Zimmerman, PLLC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	Dist 18	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Lasky	Dist 13	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
George Roussos	AIA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

Testimony

W&B

Winer and Bennett, LLP

February 19, 2013

Honorable Andrew White, Chairman
Labor, Industrial and Rehabilitative Services Committee
Legislative Office Building
Room 307
Concord, NH 03301

Re: HB 546 - proposed amendment to RSA 281-A:38 III (re "independent" medical exams)

Dear Mr. White:

I regret that I am not able to attend the 2/20/13 hearing on the above proposed legislation. I strongly urge its passage. The proposal will serve the public good by moderating the "Wild West" culture which too often makes a mockery of such "independent" medical exams.

One of my clients was scheduled for an "independent" medical exam with a physician of the insurance company's choosing. To make sure that that doctor had the relevant information to make an informed decision, I sent the physician copies of the client's medical records. I then received a telephone call from the physician. He identified himself, and asked me, "So, what kind of spin do you want me to put on this guy?" I quickly realized that he had me confused with the opposing lawyer, and abruptly ended the conversation.

This should not be a game, but it too often is. The proposed legislation is a temperate and fair way to assure that the Department of Labor is able to make its decision on the basis of honest and impartial medical opinions.

Thank you for your consideration .

Very truly yours,


Peter G. Webb

PGW/bsc

Peter W. Bennett | David K. Pinsonneault | J. Bradford Westgate | Peter G. Webb | Gary A. Braun
John M. Edwards | John V. Dwyer, Jr. | Kent M. Barker | Brian C. Kelly | S. Robert Winer (Retired)

111 Concord Street • P.O. Box 488 • Nashua, New Hampshire 03061-0488
Tel (603) 882-5157 • Fax (603) 882-2694
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April 23, 2013

Senate Commerce Committee
Legislative Office Building, Room 101
Concord, NH. 03301

Re: HB 546

Dear Senators:

The NH Association of Domestic Insurance Companies opposes HB 546. This is another unnecessary bill that does nothing to improve the workers' compensation system.

While some states do not use the words "independent medical examination" (IME), most states continue to use these words. Supposedly the purpose of HB 546 is to make it clear to the injured employee it is the self-insured employer or the employer's insurance carrier requesting the IME.

The Department of Labor has many rules under which a self-insured employer or the employer's insurance carrier must operate when settling claims. One rule is LAB 506.01(g). When an insurance carrier requests an IME under RSA 281-A:38, the carrier *shall*:

- (1) Notify the employee by letter, copy to the department, of a reasonably convenient time and place of the examination;
- (2) Set forth the employee's rights, obligations and possible penalties under RSA 281-A:38 and RSA 281-A:39.

There should be little doubt on the part of the injured employee that the IME is at the request of the self-insured employer or the employer's insurance carrier.

By the time an injured employee is asked to have an IME, the injured employee has in many cases already hired an attorney. Clearly, the attorney knows the IME doctor has been hired by the self-insured employer or the employer's insurance carrier and has explained this to his client.

The NH worker's compensation is heading towards another difficult period. The current NH loss ratio is approximately 130%. HB 255, which was retained by the House Labor Committee, has several items in it that are intended to make the workers' compensation system better and to reduce costs. The bill resulted from many months of work by the Workers' Compensation Advisory Council. SB 71 studies the use and misuse of prescription drugs in workers' compensation cases. In New Hampshire, opioids are 20% of prescription drugs in workers' compensation cases vs. 8% on the national level. This is where we should be spending our efforts and not tinkering with issues that have little or no value and do nothing to improve the workers' compensation system.

On behalf of the NH Association of Domestic Insurance Companies I respectfully ask that you vote HB 546, inexpedient to legislate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter J. McArdle".

Peter J. McArdle
NH Association of Domestic Insurance Companies

- (4) An employee whose department is targeted for a reduction in force or lay-off in a formal company plan;
- (5) An employee who has been given permanent restrictions by his/her treating physician and not released to return to work at his/her former position; or
- (6) An employee unable to return to work within 18 months from the date of injury.

Source. #5892, eff 9-2-94; ss by #6631, INTERIM, eff 11-16-97, EXPIRED: 3-16-98

New. #6806, eff 7-18-98); ss by #8682, INTERIM, eff 7-15-06, EXPIRED: 1-11-07

New. #9019, eff 11-1-07

PART Lab 505 RESPONSIBILITIES OF SELF-INSURED EMPLOYERS

Lab 505.01 Dual Capacity.

(a) An employer holding a self-insurance permit shall:

- (1) Perform all functions required of an employer and an insurance carrier by these rules and
- (2) Be subject to all civil and other penalties attaching to non-compliance with the statute and rules applicable to employers and carriers.

Source. #2264, eff 1-6-83; ss by #2935, eff 12-27-84, EXPIRED: 12-27-90

New. #5235, eff 9-27-91, EXPIRED: 9-27-97

New. #6631, INTERIM, eff 11-16-97, EXPIRED: 3-16-98

New. #6806, eff 7-18-98); ss by #8682, INTERIM, eff 7-15-06, EXPIRED: 1-11-07

New. #9019, eff 11-1-07

PART Lab 506 RESPONSIBILITIES OF CARRIERS

Lab 506.01 Claims Processing.

(a) Carriers shall familiarize themselves with the provisions of the statute and these rules.

(b) Carriers shall obtain and maintain a supply of mandated state forms which they shall supply to their insured's and their own claims offices.

(c) Carriers shall keep their insured's informed of the current address and telephone number of their nearest claims office.

(d) Carriers shall provide facilities within the state to service claims. In the event they elect to substitute an unaffiliated adjustment service, or a third party administrator, they shall confirm that the third party administrator is licensed by the state, and they shall delegate sufficient authority to comply with the statute and these rules.

(e) Carriers shall process all claims as quickly as possible. After receiving the first notice of a claim, the claim shall be paid or denied within 21 days as provided in Lab 506.02

(f) Carriers shall promptly and critically review employers' supplemental reports for the purpose of making a determination as to compensable disability within 21 days of receipt of the report.

(g) The carrier or self-insurer who determined that a medical examination of an injured employee is needed

under RSA 281-A:38 shall:

- (1) Notify the employee by letter, copy to the department, of a reasonably convenient time and place of the examination;
- (2) Set forth the employee's rights, obligations and possible penalties under RSA 281-A:38 and RSA 281-A:39;
- (3) Not schedule an examination more than 50 miles radius from the employee's current residence, unless a waiver has been obtained from the commissioner, as follows:
 - a. Provide the current address of the injured worker and the address of location of the proposed examination;
 - b. Demonstrate to the commissioner there is no qualified independent medical provider available within the 50-mile radius who will perform the examination;
 - c. Demonstrate that unique circumstances exist that would make scheduling an independent medical examination outside the 50-mile radius necessary;
 - d. Obtain the waiver prior to the scheduling of the examination;
 - e. State that the concurrence to the request has been sought from the opposing party;
 - f. State that the opposing party objects, consents or takes no position to the request;
 - g. State all attempts that were made to contact the opposing party, if unable to contact or elicit a response; and
 - h. Receive a response from the commissioner within 10 days of the request;
- (4) Not schedule more than 2 examinations within a years time, unless they have obtained a waiver from the commissioner as follows:
 - a. Demonstrate that the injured workers condition requires an independent medical examination by a practitioner in a different specialty.
 - b. Demonstrate that a change in the injured workers condition has occurred since the last independent medical examination that necessitates a review of the current treatment.
 - c. Indicate that an intervening incident has occurred since the last independent medical examination that requires additional review of current treatment or;
 - d. Demonstrate that unique circumstances exists that would make scheduling an additional examination necessary.
 - e. Obtain the waiver prior to the scheduling of the examination;
 - f. State that concurrence to the request has been sought from opposing party;
 - g. State if opposing party objects, consents, or takes or takes no position to the request,
 - h. State all attempts that were made to contact opposing party, if unable to contact or elicit a response; and
 - i. Receive a response from the commissioner within 10 days of receipt of the request; and
- (5) Determine that the health care provider is certified by the appropriate specialty board as recognized by the American Board of Medical Specialties or the health care provider shall have obtained the approval of the commissioner for those specialties not recognized by such board by fulfilling requirements substantially similar to those of the American Board of Medical Specialties.

SEAK

**National
Directory of
Independent
Medical
ExaminersTM**

*Contains hundreds of physicians, chiropractors, and
other healthcare professionals who provide
independent medical examinations*

2011

Also containing: Functional Capacity Evaluators (FCE Providers)

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Neurological and Headache Center
Omaha, NE
Phone: (402) 926-4200
Fax: (402) 926-4210
License(s): NE
Specialty: Neurology,
Neurophysiology-Interest and
expertise in chronic pain and
headache management.
Years in Practice: 29
Years Performed IMEs: 18
IMEs Performed: 70+
Number of Times Deposited: 80+
IME Training: ABIME
IME Certification: CIME,
CDE(NADEP)

**James M. Horrocks, MD,
FACP, CIME**
Independent Medical Evaluation and
Consultation, PC
Elkhorn, NE
Phone: (402) 884-3734
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jhorrocks@imcc.omhcoxmail.com
Other Locations: Omaha, Lincoln
License(s): NE, IA
Specialty: Occupational Medicine,
Internal Medicine
Years in Practice: 30
Years Performed IMEs: 10
IMEs Performed: 1200
Number of Times Deposited: 80
IME Training: ACOEM, SEAK,
ABIME
IME Certification: CIME

Rajesh Kumar, MD
Kumar Orthopedics
Lincoln, NE
Phone: (402) 476-1313
Fax: (402) 476-6299
raj कुमार1943@gmail.com
License(s): NE
Specialty: Orthopedics, Family
Medicine-Motor Vehicle Accident,
Work Injury, Chronic Pain, Back
Pain, Contusion Strain and Sprain,
Medical File Review
Years in Practice: 35
Years Performed IMEs: 25
IMEs Performed: 350
Number of Times Deposited: 35
IME Training: AADEP
IME Certification: IME trained

NEVADA

Jeffrey P. Cichon, MD
Orthopaedics and Sports Medicine
Las Vegas, NV
Phone: (702) 454-3400
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orthoandsports@aol.com
License(s): NV
Specialty: Orthopedic Surgery,
Orthopedics
Years in Practice: 26

Years Performed IMEs: 15
IME Certification: CIME

Steven A. Holper, MD
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Phone: (702) 878-3510
Fax: (702) 878-1405
holpermd@lvcoxmail.com
License(s): NV
Specialty: Physical Medicine &
Rehabilitation-Physiatry, Pain
Management-Medicine-IME, PPD
Years in Practice: 20
Years Performed IMEs: 15
IMEs Performed: 200+
Number of Times Deposited: 50+
IME Training: AADEP, SEAK,
ABIME
IME Certification: CIME,
CDE(NADEP)

Morton I. Hyson, MD
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License(s): NV, TX, NY
Specialty: Neurology-EEG, EMG,
Evoked Potentials
Years in Practice: 27
Years Performed IMEs: 27

James G. Marx, MD
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Phone: (702) 878-4568
Fax: (702) 878-5214
License(s): NV, CA, NE
Specialty: Pain Management-
Medicine, Anesthesiology-Addiction
medicine, long term care of pain,
costs and implications, treatment of
pain vs. treatment of opiate
addiction, analysis of complex
medical malpractice issues
Years in Practice: 30
Years Performed IMEs: 15
IMEs Performed: 50
Number of Times Deposited: 25
IME Training: American Board of
Anesthesiology; Board Certified
American Board of Pain Medicine;
Certified American Society of
Addiction Medicine
IME Certification: Board Certified
American Board of Pain Medicine and
Certified American Society of
Addiction Medicine

Jerrold M. Sherman, MD
Las Vegas, NV
Phone: (702) 369-9495
Fax: (310) 450-2206
jlindsey@JerroldShermanmd.com
License(s): CA, NV
Specialty: Orthopedics-Orthopaedic
Surgery, Chief Executive Officer
and Medical Director Outpatient
Surgery Center
Years in Practice: 33

Years Performed IMEs: 10
IMEs Performed: 500+
Number of Times Deposited: 100+
IME Training: SEAK
IME Certification: CIME, ABOS

NEW HAMPSHIRE

Davis W. Clark, MD
Concord, NH
Phone: (603) 224-0380
Fax: (603) 746-3360
daviswclarkmd@comcast.net
Other Locations: Exeter, York, ME
License(s): NH, ME
Specialty: Orthopedic Surgery-
General orthopedics with extra
experience in spinal injuries and
diseases.
Years in Practice: 36
Years Performed IMEs: 7
IMEs Performed: 400
Number of Times Deposited: 29
IME Training: SEAK

Stuart J. Glassman, MD
Granite Physiatry, PLLC
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SJG@granitephysiatry.com
www.granitephysiatry.com
Other Locations: Lincoln, Gilford,
Lebanon, Keene, Conway,
Manchester, Durham
License(s): NH, MA
Specialty: Physical Medicine &
Rehabilitation-Physiatry-IME,
overall work, personal injuries
Years in Practice: 14
Years Performed IMEs: 10
IMEs Performed: 2500
Number of Times Deposited: 20+
IME Training: AAPM&R Disability
Certification Course, 1996, ABIME
2007
IME Certification: ABIME 2007

Mayo Noerdlinger, MD
SportsMedicine Atlantic Orthopaedics
Portsmouth, NH
Phone: (603) 431-1121
Fax: (603) 431-3347
mnoerdlinger@smao.org
www.smao.org
Other Locations: York, ME
License(s): NH, ME
Specialty: Orthopedic Surgery,
Sports Medicine-Orthopaedic &
Sports Medicine, specialty in
Shoulder Surgery
Years in Practice: 7
Years Performed IMEs: 4
IME Training: ABIME
IME Certification: CIME

NEW JERSEY

Steven Berkowitz, MD
Seaview Orthopedic and Medical
Associates
Ocean, NJ
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Fax: (732) 660-6201
docbonez@aol.com
www.seaviewortho.com
Other Locations: Brick, Freehold
License(s): NJ, NY, FL
Specialty: Orthopedic Surgery,
Orthopedics-Orthopedic Medicine,
Independent Medical Evaluations
Years in Practice: 29
Years Performed IMEs: 16
IMEs Performed: 500
Number of Times Deposited: 60
IME Training: SEAK
IME Certification: CIME

Azad V. Bhatt, MD, FAAPMR
Atlantic Physical Medicine & Rehab.
Ctr.
Toms River, NJ
Phone: (732) 736-0100
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AzadBhatt@aol.com
Other Locations: Vineland, NJ;
Marlton, NJ
License(s): NJ, FL
Specialty: Physical Medicine &
Rehabilitation-Physiatry,
Electrodiagnostic Medicine-
Electrodiagnostic Medicine; Neck &
Back Pain; Head & Spinal Cord
Injury; Botox for Spasticity.
Years in Practice: 30
Years Performed IMEs: 20
IMEs Performed: 1000
Number of Times Deposited: 15
IME Training: SEAK, W. Comp.
Board-Texas

Melvyn A. Blake, DDS, JD
Oral & Maxillofacial Surgeon Legal
Advisor & Expert
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ddsjd@aol.com
License(s): NJ, PA
Specialty: Dentistry-Oral &
Maxillofacial Surgery, IME and
Malpractice
Years in Practice: 40
Years Performed IMEs: 40
IMEs Performed: 400+
Number of Times Deposited: 50+
IME Training: SEAK, Books

Murphy, Patrick

From: Senator Andy Sanborn [mayor.hooville@gmail.com]
Sent: Wednesday, April 24, 2013 12:00 PM
To: Murphy, Patrick
Subject: Fwd: Hb 546

Sent with i-Thumbs spelling

Begin forwarded message:

From: "George W. Roussos" <GRoussos@orr-reno.com>
Date: April 24, 2013, 10:14:59 AM EDT
To: "Andy Sanborn (andy.sanborn@leg.state.nh.us)" <andy.sanborn@leg.state.nh.us>
Cc: Robert Nash <nash@nhaia.com>
Subject: Hb 546

Mr Chairman: given the testimony that injured employees are often unaware of the role of the IME doctor and confused about who has retained him, it seems clear that members of the committee would want to address the issue. I wonder if the committee might consider an amendment which would leave alone the existing term 'independent medical examination' but beef up the required disclosure to say:

"The injured employee shall be told that the exam is at the request of the employer [existing bill] or the insurance carrier, that there is no doctor-patient relationship, and that the exam is not for the purposes of treatment or advice about treatment but for a medical opinion about the employee's claim".

That would keep the universal and established term 'independent medical examination' and avoid using a made-up term, while clearly spelling out what the exam is for. I would appreciate your thoughts whether you and the committee would find this of interest. Thanks. George

George W. Roussos

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Proposed Amendment to HB 546 – AS AMENDED BY THE HOUSE

Amend RSA 281-A:38, II as inserted by section 1 of the bill by replacing it with the following:

II. Any health care provider conducting [~~employer required~~] **independent** medical examinations under this chapter shall be certified by the appropriate specialty board as recognized by the American Board of Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by such board. The health care provider shall maintain a current practice in that area of specialty. The [~~employer required~~] **independent** medical examination shall take place within a 50-mile radius of the residence of the injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a provider who specializes in the evaluation and treatment specific to the nature and extent of the employee's injury. ***The injured employee shall be told that the exam is at the request of the employer, that the exam is not for the purpose of treatment or advice about treatment but for a medical opinion about the employee's claims, and that all statement's made or information given in connection with the exam may be used by the provider in the provider's evaluation and report.*** The injured employee shall not be required to submit to more than 2 [~~employer required~~] **independent** medical examinations per year, unless within the discretion of the commissioner, more than 2 examinations are necessary. An injured employee shall have the right to have a witness present during such examination. In the event that a witness is present, including but not limited to a witness taking notes or observing, on behalf of the injured employee, the witness shall not interfere in the examination in any way. The injured employee shall be required to sign an authorization, as prepared by the commissioner, to the effect that he or she understands that his or her medical history and condition or conditions will be discussed during said examination and that he or she waives any right to privacy that he or she may have under the circumstances of voluntarily allowing a witness to be present on his or her behalf.

Committee Report

Docket of HB546

Bill Title: relative to medical examinations under workers' compensation.

Official Docket of HB546:

Date	Body	Description
1/3/2013	H	<u>Introduced</u> 1/3/2013 and Referred to Labor, Industrial and Rehabilitative Services; HJ 12 , PG.199
1/30/2013	H	Public Hearing: 2/19/2013 1:30 PM LOB 307
2/20/2013	H	Full Committee Work Session: 2/28/2013 1:30 PM LOB 307
2/25/2013	H	Executive Session: 3/5/2013 1:00 PM LOB 307
3/6/2013	H	Committee Report: Ought to Pass with Amendment #0642h for Mar 13 (Vote 20-0; CC); HC 22 , PG.508
3/6/2013	H	Proposed Committee Amendment #2013-0642h ; HC 22 , PG.554-555
3/13/2013	H	Amendment #0642h: AA VV; HJ 26 ; PG.762-763
3/13/2013	H	<u>Ought to Pass with Amendment</u> #0642h: MA VV; HJ 26 , PG.762-763
3/14/2013	S	Introduced and Referred to Commerce
4/15/2013	S	Hearing: 4/23/13, Room 101, LOB, 2:00 p.m.; SC17
5/10/2013	S	Committee Report: Ought to Pass with Amendment #2013-1590s , 5/23/13; SC21
5/23/2013	S	Committee Amendment 1590s, AA, VV;
5/23/2013	S	<u>Ought to Pass with Amendment</u> 1590s, MA, VV; OT3rdg;
6/5/2013	H	House Non-Concurs with Senate AM #1590s and Requests C of C (Rep A.White): MA VV; HJ49 , PG.1566
6/5/2013	H	Speaker Appoints: Reps A.White, Flanagan, Weed, and St.James; HJ49 , PG.1566
6/12/2013	S	Sen. Sanborn Moved Accede to House Request for Committee of Conference, MA, VV
6/12/2013	S	President Appoints: Senators Sanborn, Cataldo, Soucy
6/13/2013	H	Committee of Conference Meeting: 6/18/2013 9:30 AM LOB 307
6/20/2013	S	Conference Committee Report #2013-2103c ; Senate Amendment, Filed
6/26/2013	S	Conference Committee Report 2103c; Adopted, VV
6/26/2013	H	Conference Committee #2103c Adopted, VV
6/26/2013	S	Enrolled
6/26/2013	H	Enrolled

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 546 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1575s _____ - AMENDMENT # _____
 - AMENDMENT # 1590s _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

- OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 7-19-13

PJM

BY COMMITTEE AIDE