

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 288

By: Senator J. Payton

For An Act To Be Entitled

AN ACT TO MODIFY A PHYSICIAN CHANGE UNDER THE WORKERS' COMPENSATION LAW THAT RESULTED FROM INITIATED MEASURE 1948, NO. 4; AND FOR OTHER PURPOSES.

Subtitle

TO MODIFY A PHYSICIAN CHANGE UNDER THE WORKERS' COMPENSATION LAW THAT RESULTED FROM INITIATED MEASURE 1948, NO. 4.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 11-9-514(a), concerning medical services and supplies and a change of physician under the Workers' Compensation Law, is amended to read as follows:

(a)(1) If the employee selects a physician, the Workers' Compensation Commission shall not authorize a change of physician unless the employee first establishes to the satisfaction of the commission that there is a compelling reason or circumstance justifying a change.

(2)(A)(i) If the employer selects a physician to encourage continuity of care and improved outcomes, the claimant may petition the commission one (1) time only for a change of physician, and if the commission approves the change with or without a hearing, the commission shall determine the second physician and shall not be bound by recommendations of claimant or respondent.

(ii) A physician may make appropriate referrals to relevant specialists for necessary medical treatment.



(iii) In addition to a change to the regular physician under subdivision (a)(2)(A)(i) of this section, no more than once per year, the injured employee has the right to petition the commission for a change of physician to:

(a) Another physician who is associated with a managed care entity certified by the commission or otherwise agrees to the commission rules and fee schedule; and

(b) An appropriate specialist who is associated with a managed care entity certified by the commission or otherwise agrees to the commission rules and fee schedule.

(iv) This subdivision (a)(2)(A) recognizes that an injured employee may require treatment from multiple specialists and an injured worker may obtain one (1) change of a specialist per year for each relevant specialty.

(B) However, if the change desired by the claimant is to a chiropractic physician, optometrist, or podiatrist, the claimant may make the change by giving advance written notification to the employer or carrier.

~~(3) Following establishment of an Arkansas managed care system as provided in § 11-9-508, subdivisions (a)(1) and (2) of this section shall become null and void, and thereafter:~~

~~(A)(i) The employer shall have the right to select the initial primary care physician from among those associated with managed care entities certified by the commission as provided in § 11-9-508.~~

~~(ii) Where the employer has contracted with a managed care organization certified by the commission, the claimant employee, however, shall be allowed to change physicians by petitioning the commission one (1) time only for a change of physician to a physician who must either be associated with the managed care entity chosen by the employer or be the regular treating physician of the employee who maintains the employee's medical records and with whom the employee has a bona fide doctor-patient relationship demonstrated by a history of regular treatment prior to the onset of the compensable injury but only if the primary care physician agrees to refer the employee to the managed care entity chosen by the employer for any specialized treatment, including physical therapy, and only if the primary care physician agrees to comply with all the rules, terms, and conditions regarding services performed by the managed care entity chosen by~~

~~the employer.~~

~~(iii) Where the employer does not have a contract with a managed care organization certified by the commission, the claimant employee, however, shall be allowed to change physicians by petitioning the commission one (1) time only for a change of physician, to a physician who must either be associated with any managed care entity certified by the commission or be the regular treating physician of the employee who maintains the employee's medical records and with whom the employee has a bona fide doctor-patient relationship demonstrated by a history of regular treatment prior to the onset of the compensable injury, but only if the primary care physician agrees to refer the employee to a physician associated with any managed care entity certified by the commission for any specialized treatment, including physical therapy, and only if the primary care physician agrees to comply with all the rules, terms, and conditions regarding services performed by any managed care entity certified by the commission.~~

~~(B)(3)~~ A petition for change of physician shall be expedited by the commission.