

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 181

Introduced by Quick, 35; Chambers, 11; Crawford, 45; Hansen, 26; Howard,
9; McDonnell, 5.

Read first time January 10, 2017

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-134, Reissue Revised Statutes of Nebraska; to
- 3 provide for reimbursement to employees for certain medical
- 4 examinations; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-134, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-134 (1) After an employee has given notice of an injury, as
4 provided in section 48-133, and from time to time thereafter during the
5 continuance of his or her disability, he or she shall, if so requested by
6 the employer or the insurance company carrying such risk, submit himself
7 or herself to an examination by a physician or surgeon legally authorized
8 to practice medicine under the laws of the state in which he or she
9 practices, furnished and paid for by the employer, or the insurance
10 company carrying such risk, as the case may be. The employee shall have
11 the right to have a physician provided and paid for by himself or herself
12 present at the examination. The unreasonable refusal of the employee to
13 submit to such examination shall deprive him or her of the right to
14 compensation under the Nebraska Workers' Compensation Act during the
15 continuance of such refusal, and the period of such refusal shall be
16 deducted from the period during which compensation would otherwise be
17 payable.

18 (2) If a physician selected by the employer or its workers'
19 compensation insurer under this section or under subdivision (2)(a) of
20 section 48-120 renders medical findings on the medical condition of the
21 employee or related issues, including, but not limited to, whether the
22 injured employee is able to perform gainful employment, what physical
23 restrictions, if any, would be imposed on the employee's employment,
24 whether the injured employee has reached maximum medical improvement, the
25 existence of any permanent physical impairment, the reasonableness and
26 necessity of any medical treatment previously provided, or to be
27 provided, to the injured employee, and any other medical questions which
28 may pertain to causality and relatedness of the medical condition to the
29 employment, and the employee disputes the medical findings, the employee
30 shall, upon application to the Nebraska Workers' Compensation Court and
31 delivery of a copy of the application to the employer or its workers'

1 compensation insurer, be reimbursed by the employer the reasonable fee
2 for a subsequent report and examination by a physician selected by the
3 employee and reasonably necessary transportation expenses incurred for
4 the examination.

5 Sec. 2. Original section 48-134, Reissue Revised Statutes of
6 Nebraska, is repealed.