

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

652T0143

HOUSE BILL NO. 1067

Introduced by: Representatives Kirschman, Blake, Brunner, Deelstra, Dennert, Elliott, Fargen, Feickert, Gibson, Hickey, Hunhoff (Bernie), Jensen, Kloucek, Kopp, Lucas, Rausch, Sigdestad, Street, Verchio, and Wick and Senators Sutton, Bradford, Frerichs, Hundstad, Nygaard, and Rhoden

1 FOR AN ACT ENTITLED, An Act to guarantee an employee's right to secure a physician and
2 other medical services of their choosing for care under a worker's compensation claim.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 62-4-1 be amended to read as follows:

5 62-4-1. The employer shall provide necessary first aid, medical, surgical, and hospital
6 services, or other suitable and proper care including medical and surgical supplies, apparatus,
7 artificial members, and body aids during the disability or treatment of an employee within the
8 provisions of this title. Repair or replacement of damaged prosthetic devices is compensable and
9 is considered a medical service under this section if the devices were damaged or destroyed in
10 a work related accident. Repair or replacement of damaged hearing aids, dentures, prescription
11 eyeglasses, eyeglass frames, or contact lenses is considered a medical service under this section
12 if the hearing aids, dentures, prescription eyeglasses, eyeglass frames, or contact lenses were
13 damaged or destroyed in an accident which also causes another injury which is compensable
14 under this law. The employee shall have the ~~initial selection to secure the employee's own~~



1 ~~physician, surgeon, or hospital services~~ right to secure and use a physician, surgeon, hospital,
2 or other medical services of the employee's choosing at the employer's expense. If the employee
3 selects a health care provider located in a community not the home or workplace of the
4 employee, and a health care provider is available to provide the services needed by the employee
5 in the local community or in a closer community, no travel expenses need be paid by the
6 employer or the employer's insurer.