

parties are in agreement that there...if there's a disagreement on the use of an independent medical examiner, the section that provides for reasonable or rebuttable presumption for the independent medical examiner is now taken out of the bill and in its place is the language that is directly above the amendment which is on line 3...or page 3, line 3, which states that the written report of the independent medical examiner's findings shall be admissible in a proceeding before the compensation court and may be received into evidence by the compensation court on its own motion. So the evidence is brought into court, is allowed to be brought into court by the compensation court judge, but there is no rebuttable presumption. The next part of the bill deals with the physician's choice. It states that the employee or employer may change the initial physician choice if it's made pursuant to subsection (6) of the section, which states in addition that the compensability is denied by the insurer, the risk management pool, or the self-insured employer. So if compensability is denied by the insured, the employer, then that employee that is injured is able to choose whichever doctor he or she feels would be in their best interest. And that will be in the instance in which physician choice is provided for in addition to the section directly above this in this amendment. It also...the next section, Section 3 of the amendment, provides for reconciliation. Section 4 deals with clarification of language dealing with insurer, risk management pool, and self-insured employer. Section 5 of it deals with suitability, the requirement that suitability shall be required. When an employer or when an employee comes back to employment, suitability shall be required. So that an individual, let's say, that is working in a 15-hour...15 per hour job, he cannot brought back and returned back to a \$5 an hour job. There should be a suitable job so that that employee is returned back to as near as possible to the employment. Preferably, the intent is that that should be another 15 an hour job, so there is a suitable job that he's returned to, suitability in the sense of payment as well as the type of work that he enjoyed prior to his injury, or she, Senator Bohlke, thank you, because both types of sexes do get injured on the job and that's important to remember. Anyway, that explains the compromise amendment and I would be happy to answer any questions.

SENATOR HALL: Thank you, Senator Abboud. Senator Chambers, on the Abboud amendment.

SENATOR CHAMBERS: Mr. President and members of the Legislature,