

wherein the employer has not denied compensability but the doctor treating has said, you have such and such a thing wrong with you, and let's say that equates to 20 percent compensability just so I have some numbers to use to try to make the point. The employee feels that he or she is not receiving the kind of treatment needed for the condition that the employee feels exists. So the employee, at his or her expense, goes to a doctor of choice other than the country quack and this real doctor determines that instead of 20 percent it's 60 percent and the employee goes back to the company and says, this is what my doctor determined. And the company says, well, we're not going to accept that. Then let them go to court and get a resolution. And if the court agrees with the employee and the employee's doctor, that employee should be allowed to select a doctor other than the company doctor and get out of the managed care plan just as this employee who was denied compensability altogether was allowed to get out. In talking to Senator Landis and his staff, maybe this is not the point at which to offer an amendment to that effect. But since Senator Landis is discussing it with me and has said that he's willing to consider it further, I won't try to do anything about amending the area that Senator Abboud's amendment is addressing. But at whatever point I would attempt that amendment, I want the record to be clear that some of us see continuing problems with this bill. I'm not going to repeat the things that I said earlier, but in talking about this part that Senator Abboud is addressing and the denial of compensability, it becomes clear that there might be differences of opinion as to what it takes to constitute that denial. Senator Abboud and Senator Landis have agreed on the record about the scope of Senator Abboud's amendment. But I would...oh, I see Senator Landis. I would like to ask him a question.

SENATOR HALL: Senator Landis, if you would respond.

SENATOR CHAMBERS: Senator Landis, did I understand you correctly that if in the middle of treatment or, okay, say in the middle of treatment but it's a point where the company doctor thinks that the treatment has concluded but the employee goes to another doctor and a determination is made that there should be further treatment, and the company just says absolutely not in terms of paying any more. That would be, in your understanding, a denial of compensability.

SENATOR LANDIS: We have to be very specific here because...