

following up, assume that that happened, the employer denied compensability, said, no, you're as good as you're going to get, our doctors have determined that, in that case, if the employee wanted to file a suit they probably won't be able to be successful unless they get another opinion, frankly, it would be their requirement then to go out and get their own doctor and pay for that doctor's opinion. If, in fact, the court determined that there should have been additional compensation then the court could award the doctor's fees and additional compensation at that point.

SENATOR LANDIS: The court will make the award that it would under existing law and the situation you describe is one that commonly occurs right now, that obligation to go out and prepare the evidence for the case falls on the plaintiff, and the court makes an award based on what the law entitles the employee to receive. Those aspects remain unchanged by the operation of 757 or the Abboud amendment.

SENATOR HOHENSTEIN: Okay, thank you, Senator Landis. That's...I think it's important that we...that we discuss the scenarios because, frankly, there's going to be a bunch of people out there in the real world trying to determine what denial of compensability is and we don't have a definition in the statute or the amendment. I think that's maybe by design but we do need to give them some clear indication of exactly what we're talking about so that there's no question when this bill, if it passes, becomes law, somebody opens up the book, is going to look at compensability as denied by the insurer, they're not going to be sure exactly what that means unless we give them some real good guidelines here on the floor and that is why I think the scenarios and the answers to the questions posed are very important at this stage. So I appreciate Senator Landis's attention and answer regarding that.

SPEAKER BAACK: Thank you, Senator Hohenstein. Anyone else wishing to address the amendment by Senator Abboud? Seeing no one, Senator Abboud, do you wish to close?

SENATOR ABOUD: Yes. Mr. President and colleagues, the bill provides, or the amendment to the bill provides for, as I said, about five different sections, the rules and regulations, a different approach to it and this is a different approach. We now have a majority of the court making the decisions versus having the presiding judge be the sole person making that