

ASSISTANT CLERK: The next amendment I have is from Senator Abboud. I have a note, Senator, that it is to be withdrawn.

SENATOR ABOUD: Yes, withdraw.

SENATOR KRISTENSEN: It is withdrawn.

ASSISTANT CLERK: As is your second amendment, 2412.

SENATOR ABOUD: Withdraw.

SENATOR KRISTENSEN: It is withdrawn.

ASSISTANT CLERK: The next amendment I have is from Senators Landis and Chambers. This is AM2564.

SENATOR KRISTENSEN: Thank you. Senator Landis to open.

SENATOR LANDIS: Thank you, Senator Kristensen, members of the Legislature. Senator Chambers and I have had some discussions about trying to find areas of agreement. And we have found two areas of agreement amidst a sea of adversarial beliefs. You heard most of those so far this afternoon and evening, but Senator Chambers and I tried to analyze the situation of when an employee who has fallen under the auspices of the physician's choice rule that dictates the use of an employer's doctor, gets to a situation where they request medical services which are denied, and this happens in which case the employee says, look, I'm still injured. And the "doc" says, no you're not, go back to work. And the guy says, no, I'm still injured. The guy says, well, you don't know, I've still got a pain. The "doc" says, to the best of my medical ability you do not need any other services. And the employee says, look, I do need them and I'll sue to get them. And a lawsuit commences. And there's the use of the IME, there's the use of the informal dispute resolution system, there's a use of the court procedures, and the employee wins. The court rules that reasonable medical services are to be given to the employee in which case the employee can choose the physician to receive those further medical services awarded by the court. They don't have to go back to the employer's doctor to get these kinds of services. If this occurs in the managed care setting in which you've gone to the physician's choice...the employer's physicians choice doctor, you've gotten linked into the medical...into the managed