

care plan. The injured worker says I should get more services; the employer and their doctor deny them. You go to court and the employee wins, the court awards further medical services. Then the employee can go get another physician, not the employer's "doc," but a physician's...an employee's "doc" to furnish those further medical services that the courts have awarded so long as that physician complies with the rules, terms and conditions of the managed care plan and refers the employee to the managed care plan for other treatment that the employee may require. I will yield the rest of my time to Senator Chambers for further explanation, justification. I join in him adopting and accepting this amendment.

SENATOR KRISTENSEN: Thank you. Senator Chambers, you have approximately seven minutes.

SENATOR CHAMBERS: Mr. President, members of the Legislature, and thank you, Senator Landis, for the time. There are aspects of the bill that I've already mentioned that really are troubling to me and I didn't go into this part in detail because I knew that Senator Landis and I had an amendment. Nothing in this bill reaches the level of fairness that it would have to reach for me to really be satisfied with it. But when we are struggling, the few of us, against leviathan, we're lucky to survive at all. So if we can bring a little bit of equity into this inequitable situation, it is what we have to accept. What I saw happening under the situation where the employee cannot select a physician is to get one of these doctors who's going to be of a mind to send him or her back to work sooner than the employee's condition would allow. The first way I drafted an amendment was to say that if the court would find a 10 percent or greater difference in the degree or amount of compensability from that that was found by the company doctor, then the employee could get a doctor of his or her choice and be out of this managed care program. There were some reasons that Senator Landis had for not agreeing to that so we wind up with this. And the idea is that the injured employee is not given the medical treatment required by his or her condition. My feeling is that confidence would be lost in that doctor if the employee had to seek a physician and pay for that physician because of an awareness that proper medical care was not being administered. Having obtained that treatment from the doctor, having procured from that doctor evidence sufficient to convince the court that the company doctor was not providing adequate care. I did not want to see that employee compelled under the terms of this law