

2016 -- S 2650

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION
MEDICAL ADVISORY BOARD

Introduced By: Senator Roger Picard

Date Introduced: February 25, 2016

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-30-22 of the General Laws in Chapter 28-30 entitled "Workers'
2 Compensation Court" is hereby amended to read as follows:

3 **28-30-22. Medical advisory board.** -- (a) The chief judge of the workers' compensation
4 court, in consultation with the appropriate medical or professional association, shall appoint a
5 medical advisory board that shall serve at the chief judge's pleasure and consist of ~~eleven (11)~~
6 twelve (12) members in the following specialties: one orthopedic surgeon; one neurologist; one
7 physiatrist; one doctor of acupuncture and Oriental medicine; one chiropractor; one physical
8 therapist; one internist; one psychiatrist or psychologist; and four (4) ad hoc physician members
9 appointed at the discretion of the chief judge. Members of the board shall be reimbursed three
10 hundred dollars (\$300) per day served in the discharge of the board's duties, not to exceed six
11 thousand dollars (\$6,000) per member in any year. The chief judge shall designate the
12 chairperson of the board.

13 (b) The chief judge is authorized, with the advice of the medical advisory board, to do
14 the following:

15 (1) (i) Adopt and review protocols and standards of treatment for compensable injury,
16 which shall address types, frequency, modality, duration, and termination of treatment, and types
17 and frequency of diagnostic procedures; provided, however, that for the treatment of moderate to
18 severe low back pain, neck pain, chronic trigger points/myofascial pain, and osteoarthritis of the

1 [knee and hip, patient choice shall be followed in the selection of non-prescription treatment](#)
2 [therapies within the scope of practice of a health professional licensed by the department of](#)
3 [health and they shall not require the exhaustion or failure of other treatment methods as a](#)
4 [prerequisite.](#)

5 (ii) Within thirty (30) days of its establishment, the medical advisory board shall prepare
6 a recommended standard for the consideration and weighing by the court of medical evidence,
7 including, but not limited to, medical test results, objective clinical findings, subjective
8 complaints supported by tests for inconsistency, and purely subjective complaints, with the
9 purposes of assuring treatment and compensation for legitimate compensable injuries; reducing
10 litigation, inefficiency, and delay in court proceedings; and deterring false or exaggerated claims
11 of injury. The standards shall be applicable to proceedings before the workers' compensation
12 court, including specifically those to determine the nature and extent of injury and the
13 achievement of maximum medical improvement, and shall be effective in all proceedings when
14 adopted by the court.

15 (2) Approve and promulgate rules, regulations, and procedures concerning the
16 appointment and qualifications of comprehensive, independent health care review teams that
17 would be composed of any combination of one or more health care provider(s), rehabilitation
18 expert(s), physical therapist(s), occupational therapist(s), psychologist(s), and vocational
19 rehabilitation counselor(s).

20 (3) Approve and administer procedures to disqualify or disapprove medical service
21 providers and maintain the approved provider list.

22 (4) Appoint an administrator of the medical advisory board.

23 (5) Approve and promulgate rules, regulations, and procedures concerning the
24 appointment and qualifications of impartial medical examiners.

25 (6) Annually review the performance of each comprehensive, independent health care
26 review team and impartial medical examiner.

27 (c) The administrator of the medical advisory board is authorized and directed to
28 establish terms and conditions for comprehensive, independent health care review teams and
29 impartial medical examiners to apply for approval by the medical advisory board and to perform
30 any other duties as directed by the board.

31 (d) Any reference to an impartial medical examiner in chapters 29 -- 38 of this title shall
32 be deemed to include the impartial medical examiners and comprehensive, independent health
33 care review teams referred to in subsection (b) of this section.

34 (e) (1) Disqualification of medical care providers. - Every health care provider licensed

1 in the state of Rhode Island shall be presumed to be qualified to provide health care services for
2 injuries compensable under this title and may recover costs of treatment consistent with
3 established fee and cost schedules. The administrator of the medical advisory board is thereafter
4 authorized to disqualify and/or suspend any qualified provider based upon one or more of the
5 following:

6 (i) The violation of the protocols and standards of care established by the medical
7 advisory board;

8 (ii) The filing of affidavits that are untimely, inadequate, incomplete, or untruthful;

9 (iii) The provision of unnecessary and/or inappropriate treatment;

10 (iv) A pattern of violation and/or evasion of an approved fee schedule;

11 (v) The censure or discipline of the provider by the licensing body of the provider's
12 profession;

13 (vi) The billing of, or pursuing collection efforts against, the employee for treatment or
14 diagnostic tests causally related to an injury not deemed non-compensable by the workers'
15 compensation court.

16 (2) Upon disqualification or during suspension, the provider shall not be permitted to
17 recover any costs or fees for treatment provided under this title. The appropriate body with
18 professional disciplinary authority over the provider shall be notified of any such action. Appeal
19 of disqualification or suspension shall be to the medical advisory board, with final review by the
20 workers' compensation court.

21 (3) If unnecessary or inappropriate treatment is provided by an entity affiliated with the
22 treating physician, the administrator of the medical advisory board may increase the penalty for a
23 violation.

24 (4) This section shall not prevent the recovery of reasonable costs for immediate
25 emergency care rendered by a provider.

26 (f) As a guide to the interpretation and application of this section, the policy and intent of
27 this legislature is declared to be that every person who suffers a compensable injury with
28 resulting disability should be provided with high-quality medical care and the opportunity to
29 return to gainful employment as soon as possible with minimal dependence on compensation
30 awards.

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION
MEDICAL ADVISORY BOARD

1 This act would add a doctor of acupuncture and Oriental medicine to the medical
2 advisory board at the workers' compensation court, and would respect patient choice in the
3 selection of treatment therapies for certain conditions.

4 This act would take effect upon passage.

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