

1973 Assembly Bill 1362

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CHAPTER 282, Laws of 1973

AN ACT to amend 102.13 (1), 102.17 (1) (as) and 102.42 (2) of the statutes, relating to qualification of podiatrists under the workmen's compensation system.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 102.13 (1) of the statutes is amended to read:

102.13 (1) Whenever compensation is claimed by an employe, he shall, upon the written request of his employer, submit to reasonable examination by a physician, provided and paid for by the employer, and shall submit to examination by any physician selected by the commission, or a commissioner or examiner. The employe shall be entitled to have a physician, provided by himself, present at any such examination. The examination and testimony of a podiatrist shall be accepted in regard to any matter in which he is competent to practice under s. 448.10 (1). So long as the employe, after such written request of the employer, refuses to submit to such examination, or in any way obstructs the same, his right to begin or maintain any proceeding for the collection of compensation shall be suspended; and if he refuses to submit to such examination after direction by the commission, or a commissioner or examiner, or in any way obstructs the same, his right to the weekly indemnity which accrues and becomes payable during the period of such refusal or obstruction, shall be barred. Any physician who is present at any such examination may be required to testify as to the results thereof. Any physician having attended an employe may be required to testify before the department when it so directs. Notwithstanding any other statutory provisions, any physician attending a workmen's compensation claimant may furnish to the employe, employer, workmen's compensation insurance carrier, or the department information and reports relative to a compensation claim. The testimony of any physician or surgeon who is licensed to practice where he resides or practices outside the state, may be received in evidence in compensation proceedings.

SECTION 2. 102.17 (1) (as) of the statutes is amended to read:

102.17 (1) (as) The contents of verified medical and surgical reports, by physicians, podiatrists and surgeons licensed in and practicing in Wisconsin, presented by claimants for compensation shall constitute prima facie evidence as to the matter contained therein, subject to such rules and limitations as the department prescribes. Verified reports of physicians, podiatrists and surgeons, wherever licensed and practicing, to whom the claimant had been sent for examination or treatment by the employer or insurer, if such doctor consents to subject himself to cross-examination shall also constitute prima facie evidence as to the matter contained therein and verified reports by doctors of dentistry shall be admissible as evidence of the diagnosis and necessity for treatment but not of disability. Physicians, podiatrists and surgeons licensed in and practicing in this state may certify instead of verify such reports, and such certification shall be equivalent to verification; and any physician, podiatrist or surgeon who knowingly makes a false statement of fact or opinion in such certified report may be fined or imprisoned or both under s. 943.395. The record of a hospital or sanatorium in this state operated by any department, agency, or municipality of the federal or state government, or of any other hospital or sanatorium in this state which is satisfactory to the department, established by certificate, affidavit or testimony of the supervising officer or other person having charge of such records, or of a physician, podiatrist or surgeon, to be such record of the patient in question, and made in the regular course of examination or treatment of such patient, shall constitute prima facie evidence in any workmen's compensation proceeding as to the matter contained therein, insofar as it is otherwise competent and relevant.

SECTION 3. 102.42 (2) of the statutes is amended to read:

102.42 (2) (title) PANEL OF PHYSICIANS AND PODIATRISTS. The employe shall have the right to make choice of his attending physician or podiatrist from a any available panel of physicians or podiatrists to be named by the employer. Where the employer has knowledge of the injury and the necessity for treatment, his failure to tender the same shall constitute such neglect or refusal. Failure of the employer to maintain a reasonable number of competent and impartial physicians or podiatrists, ready to undertake the treatment of the employe, and to permit the employe to make choice of his attendant from among them, shall constitute neglect and refusal to furnish such attendance and treatment. Nothing contained in this section shall limit the right of the employe to make a ~~second~~ 2nd choice of physician or podiatrist from the panel of ~~physicians~~ named by the employer. The department may upon summary hearing permit an injured employe to make selection of a physician or podiatrist not on the panel.