

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 115

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-433, IDAHO CODE,
2 TO REVISE PROVISIONS REGARDING MEDICAL EXAMINATIONS OF AN INJURED EM-
3 PLOYEE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 72-433, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 72-433. SUBMISSION OF INJURED EMPLOYEE TO MEDICAL EXAMINATION OR
9 PHYSICAL REHABILITATION. (1) After an injury or contraction of an occu-
10 pational disease and during the period of disability the employee, if
11 requested by the employer or ordered by the commission, shall submit himself
12 for examination at reasonable times and places to a duly qualified physician
13 or surgeon. The employee shall be reimbursed for his expenses of necessary
14 travel and subsistence in submitting himself for any such examination and
15 for loss of wages, if any. For purposes of this section, the reimbursement
16 for loss of wages shall be at the employee's then current rate of pay if the
17 employee is then working; otherwise, such reimbursement shall be at the
18 total temporary disability rate. Reimbursement for travel expenses, if the
19 employee utilizes a private vehicle, shall be at the mileage rate allowed by
20 the state board of examiners for state employees; provided, however, that
21 the employee shall not be reimbursed for the first fifteen (15) miles of any
22 round trip, nor for traveling any round trip distance of fifteen (15) miles
23 or less. Such distance shall be calculated by the shortest practical route
24 of travel.

25 (2) The employee shall have the right to have a physician or surgeon
26 designated and paid by himself present at an examination by a physician or
27 surgeon so designated by the employer. Such right, however, shall not be
28 construed to deny the employer's designated physician or surgeon the right
29 to visit the injured employee during reasonable times and under all reason-
30 able conditions during disability. The employee and the examining physician
31 shall have the right to have an audio recording of any examination, but may
32 have a video recording only if the examining physician and the employee con-
33 sent. The provisions of this subsection shall not apply to the testing por-
34 tion of psychological, neuropsychological, or psychiatric examinations.

35 (3) At any time after injury, if an injured employee be sent to a facil-
36 ity approved by the commission for physical or vocational rehabilitation,
37 the employee shall be furnished by the employer reasonable travel accommo-
38 dations to and from such facility and if the injured employee is an outpa-
39 tient in a physical rehabilitation facility, he shall be paid daily subsis-
40 tence as the commission may authorize to cover reasonable expenses of board,
41 lodging and transportation. Reimbursement for transportation expense, if
42 the employee utilizes a private vehicle, shall be at the mileage rate allowed

1 by the state board of examiners for state employees; provided however, that
2 the employee shall not be reimbursed for the first fifteen (15) miles of any
3 round trip, nor for traveling any round trip distance of fifteen (15) miles
4 or less. Such distance shall be calculated by the shortest practical route
5 of travel.

6 SECTION 2. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after
8 July 1, 2025.