

**39-71-1101. Choice of health care provider by worker -- insurer designation or approval of treating physician or referral to managed care or preferred provider organization -- payment terms -- definition.** (1) Prior to the insurer's ~~designation or~~ approval of a treating physician as provided in subsection (2) or a referral to a managed care organization or preferred provider organization as provided in subsection (~~811~~), a worker may choose a person who is listed in 39-71-116(41) for initial treatment. Subject to subsection (~~23~~), if the person listed under 39-71-116(41) chosen by the worker agrees to comply with the requirements of subsection (2), that person is the treating physician.

(2) Any time after acceptance of liability by an insurer, the insurer may ~~designate or~~ approve a treating physician who agrees to assume the responsibilities of the treating physician. The treating physician may be changed at any time with the consent of the worker and the insurer. The ~~designated or~~ approved treating physician:

(a) is responsible for coordinating the worker's receipt of medical services as provided in 39-71-704;

(b) shall provide timely determinations required under this chapter, including but not limited to maximum medical healing, physical restrictions, return to work, and approval of job analyses, and shall provide documentation;

(c) shall provide or arrange for treatment within the utilization and treatment guidelines or obtain prior approval for other treatment; and

(d) shall conduct or arrange for timely impairment ratings.

(3) If the treating physician fails to meet the requirements of subsection (2), the insurer:

(a) shall give written notice to the worker of the specific reasons for the failure;

(c) inform the worker that another treating physician must be chosen within two weeks of the notice; and

(c) consult with the worker to identify and choose another treating physician.

(4) If the subsequent treating physician chosen pursuant to the requirements of subsection (3) fails to meet the requirements of subsection (2), the insurer shall give notice as required by subsection (3)(a) and may thereafter designate a treating physician, who shall be subject to the requirements of subsection (2).

(5) The choice and designation of a treating physician shall take into account and give due consideration to the type of injury or occupational disease, as well as practical considerations such as the proximity and availability of the physician.

RENUMBER THE REMAINING SUBSECTIONS OF 39-71-1101.