

Public Law 86-757

AN ACT

September 13, 1960
[H. R. 12574]

To amend the Longshoremen's and Harbor Workers' Compensation Act, so as to provide that an injured employee shall have the right to select his own physician, and for other purposes.

Longshoremen's
and Harbor Work-
ers' Compensation
Act, amendment.
44 Stat. 1427.
33 USC 901, 907.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"MEDICAL SERVICES AND SUPPLIES"

"SEC. 7. SELECTION OF PHYSICIAN.—(a) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus, for such period as the nature of the injury or the process of recovery may require.

Panel of physi-
cians.
Choice of attend-
ing physician.

"(b) The employee shall have the right to choose an attending physician from a panel of physicians to be named by the employer subject to the provisions of subsection (c) of this section. If, due to the nature of the injury, the employee is unable to select his physician from a panel and the nature of the injury requires immediate medical treatment and care, the employer shall select a physician for him from the panel. Nothing contained in this section shall limit the right of the employee to make a second choice of physician from such panel. The deputy commissioner may, under rules prescribed by the Secretary, permit an injured employee to select a physician not on the panel when specialized services are needed or in unusual circumstances. The deputy commissioner shall have authority to determine the necessity, character, and sufficiency of any medical aid furnished or to be furnished and shall have authority to order a change of physicians or hospitals when in his judgment such change is desirable or necessary.

Physicians.
Qualifications,
etc.

"(c) The deputy commissioner shall approve the qualifications of the panel of physicians named by the employer and shall determine the number of physicians to be named. In determining the size of the panel, he shall take into account the number of competent, suitable, and impartial physicians conveniently available to the community in which the medical service is required. Every employer shall post the names and addresses of the physicians on his panel in such manner as to afford his employees reasonable notice thereof.

Default by em-
ployer.

"(d) If the employer fails to provide the medical or other treatment, services, and supplies required to be furnished by subsection (a), after request by the injured employee, or fails to maintain a panel of physicians as required by subsection (c), or fails to permit the employee to choose an attending physician from such panel, such injured employee may procure such medical or other treatment, services, and supplies and select a physician to render treatment and services at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for such treatment or services unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide the same; nor shall any claim for medical or surgical treatment be valid and enforceable, as against such employer, unless within twenty days following the first treatment the physician giving such treatment furnish to the employer and the deputy commissioner a report of such injury and treatment,

on a form prescribed by the Commission. The deputy commissioner may, however, excuse the failure to furnish such report within twenty days when he finds it to be in the interest of justice to do so, and he may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee. If at any time during such period the employee unreasonably refuses to submit to medical or surgical treatment, the deputy commissioner may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal.

“(e) Whenever in the opinion of the deputy commissioner a physician has not impartially estimated the degree of permanent disability or the extent of temporary disability of any injured employee, the deputy commissioner shall have the power to cause such employee to be examined by a physician selected by the deputy commissioner and to obtain from such physician a report containing his estimate of such disabilities. If the report of such physician shows that the estimate of the physician has not been impartial from the standpoint of such employee, the deputy commissioner shall have the power in his discretion to charge the cost of such examination to the employer, if he is a self-insurer, or to the insurance company which is carrying the risk.

Degree of disability.

“(f) All fees and other charges for such treatment or service shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living, and shall be subject to regulation by the deputy commissioner.

Fees. Limitation.

“(g) The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was injured through the fault or negligence of a third party not in the same employ, or suit has been brought against such third party. The employer shall, however, have a cause of action against such third party to recover any amounts paid by him for such medical treatment in like manner as provided in section 33(b) of this Act.”

Employer liability.

33 USC 933.

Approved September 13, 1960.

Public Law 86-758

AN ACT

September 13, 1960
[S. 1545]

To amend the Federal Aviation Act of 1958 so as to authorize elimination of a hearing in certain cases under section 408.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 408(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1378(b)) is amended by inserting immediately before the period at the end thereof a colon and the following: “*Provided further,* That, in any case in which the Board determines that the transaction which is the subject of the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition, and determines that no person disclosing a substantial interest then currently is requesting a hearing, the Board, after publication in the Federal Register of notice of the Board’s intention to dispose of such application without a hearing (a copy of which notice shall be furnished by the Board to the Attorney General not later than the day following the date of such publication), may determine that the public interest does not require a hearing and by order approve or disapprove such transaction”.

Air carriers, merger, hearings. 72 Stat. 767.

Publication in F. R.