

Cherokee Nation Code Annotated

Title 85: Workers' Compensation

Chapter 1: General Provisions

§ 25. Periodic medical examination of claimant—Effect of refusal or obstruction of examination or treatment

Cite as: 85 CNCA § 25

A. A claimant entitled to compensation shall submit to medical examination selected and paid for by the employer from time to time at a place reasonably convenient for the worker, if and when requested by the employer. The worker shall be required to submit to continuing medical treatment by health care providers selected by the claimant or employer and approved by the employer. The employer shall not be liable for treatment provided by non-approved providers or providers not selected by the employer.

B. The request for the medical examination shall fix a time and place having regard for the convenience of the claimant, his or her physical condition and ability to attend. The claimant may have a health care provider present at the examination if procured and paid for by the claimant.

C. If the claimant refuses to submit to the medical examination or obstructs the examination, his or her right to compensation shall be suspended until the examination has been made, and no compensation shall be payable during or for such period. If the claimant refuses to submit to the medical examination or obstructs the examination within ninety (90) days, all benefits shall be permanently forfeited.

D. Any health care provider who conducts or is present at the medical examination may be requested by the employer to testify as to the result thereof, and the reasonable cost of this appearance shall be at the expense of the employer. Should a health care provider be called to testify by the claimant, the costs of the appearance of such health care provider shall be at the expense of the claimant.

E. A claimant must have prior approval from the employer in order for claimant to change health care provider.

Historical Data

LA 08–04, eff. April 21, 2004. Amended LA 31–05, eff. October 16, 2005; LA 21–06, eff. October 19, 2006; LA 20–10, eff. August 15, 2010.