

**ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS  
ADMINISTRATIVE CODE**

**RULE**

Division: Workers' Compensation  
Chapter: Utilization Management and Bill Screening  
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**480-5-5-.14 SECOND OR OPPOSING SURGICAL OPINION.**

(1) When elective surgery has been recommended by the treating physician, the employee, subject to the limitations of Code of Alabama, 1975, §25-5-77(b), or the employer/agent is entitled, but not required, to obtain a second professional opinion from a physician board certified in the same or similar specialty or the speciality that normally treats the patient's condition.

(a) Regardless of the second opinion, the employee remains free to elect not to undergo surgery after the consultation, subject to the possibility of denial of benefits for refusal of said surgery.

(b) The employer/agent shall be responsible for informing the employee when a second surgical opinion is requested and for referring the employee to a second surgical opinion physician.

(c) The designated physician of record shall be notified of the request in order to assist in the coordination of related medical services. There shall be no duplication of medical services.

(2) The employer/agent shall have in place a process to request second surgical opinions.

(3) The employer/agent shall develop manual procedures or automated systems for administering program requirements, selecting consulting physician, documenting employee compliance with the program and efficiently handling employee and physician contacts.

(4) The fees for the consultation and any tests necessary for the consulting physician to render an opinion on the proposed surgery shall be paid by the employer/agent, if requested by the employer/agent.

(5) The same provisions in effect for a worker wishing to use a different physician shall be applied in cases of an opposing medical opinion. The patient shall ultimately maintain the right to accept or reject treatment, subject to the possibility of denial of benefits for refusal of said treatment.

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(6) In the event of a dispute, the issue(s) may be resolved by an Ombudsman under Code of Alabama, 1975, §25-5-77(i).

Author: Workers' Compensation Medical Services Board

Statutory Authority: Code of Alabama, 1975, §25-5-293

History: Effective September 12, 1996