

Workmen's Compensation Law, Extent. Injured Employee, Loss of Time of. Medical Services. Injured Employee Entitled to.

Loss of time by injured employee is not essential to permit recovery for medical service and attention.

Helena, Montana, October 15, 1915.

Hon. A. E. Spriggs,
Chairman Industrial Accident Board,
Helena, Montana.

Dear Sir:

In a recent letter to this office you set forth that you are in receipt of a communication from an employer of labor, informing you that an employee

"burned his hand with hot asphalt one day, but the foreman reports that he worked every day. Now comes a doctor with a bill for \$8 for dressing his hand four times. Shall we make a formal report on this accident, and shall we pay the doctor?"

It is my opinion that the Workman's Compensation Law contemplates the caring for, nursing, furnishing of medical aid, assistance and treatment to an injured employee during the first two weeks following an accident, whenever the resulting injury is of such a nature as to reasonably require the same, and the question of loss of time does not enter into consideration during this period. You should, therefore, be guided in such matters by the following rule:

Whenever an accident occurs, and no loss of time results to the injured employee, and the nature of the resulting injury is such as to make it reasonably necessary to secure medical service, attention or medicines, or to give care, attention or treatment to the injured employee, the employer, insurer or Industrial Accident Fund, as the case may be, depending upon the plan adopted by the employer, is liable for the reasonable and necessary expenses incurred for such medical services, attention or medicines, not exceeding in any one case, the sum of \$50, and not extending over a period of more than two weeks immediately following the accident.

The foregoing rule to apply in all cases where there is no valid, subsisting hospital contract between the employer and his employees. Tested by the foregoing rule, under the facts stated, you have only to inquire whether in the case cited, it becomes reasonably necessary for the doctor to administer treatment to the injured employee, and whether his charge therefor is reasonable under the circumstances. These propositions being shown affirmatively, to your satisfaction, you should order that the bill be paid.

Yours very truly,

J. B. POINDEXTER,

Attorney General.