

By: Oliverson

H.B. No. 1753

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain required reports under the Texas workers'
3 compensation system.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 1305.502(a), Insurance Code, is amended
6 to read as follows:

7 (a) Not later than December 1 of each even-numbered year,
8 the [~~The~~] group shall develop and issue an [~~annual~~] informational
9 report card that identifies and compares, on an objective basis,
10 the quality, costs, health care provider availability, and other
11 analogous factors of workers' compensation health care networks
12 operating under the workers' compensation system of this state with
13 each other and with medical care provided outside of networks.

14 SECTION 2. Sections 504.053(c) and (d), Labor Code, are
15 amended to read as follows:

16 (c) If the political subdivision or pool provides medical
17 benefits in the manner authorized under Subsection (b)(2), the
18 following do not apply:

19 (1) Sections 408.004 and 408.0041, unless use of a
20 required medical examination or designated doctor is necessary to
21 resolve an issue relating to the entitlement to or amount of income
22 benefits under this title;

23 (2) Subchapter B, Chapter 408, except for Section
24 408.021;

- 1 (3) Chapter 413, except for Section 413.042; and
2 (4) Chapter 1305, Insurance Code, except for Sections
3 ~~[1305.501,]~~ 1305.502~~[,]~~ and 1305.503.

4 (d) If the political subdivision or pool provides medical
5 benefits in the manner authorized under Subsection (b)(2), the
6 following standards apply:

7 (1) the political subdivision or pool must ensure that
8 workers' compensation medical benefits are reasonably available to
9 all injured workers of the political subdivision or the injured
10 workers of the members of the pool within a designed service area;

11 (2) the political subdivision or pool must ensure that
12 all necessary health care services are provided in a manner that
13 will ensure the availability of and accessibility to adequate
14 health care providers, specialty care, and facilities;

15 (3) the political subdivision or pool must have an
16 internal review process for resolving complaints relating to the
17 manner of providing medical benefits, including an appeal to the
18 governing body or its designee and appeal to an independent review
19 organization;

20 (4) the political subdivision or pool must establish
21 reasonable procedures for the transition of injured workers to
22 contract providers and for the continuity of treatment, including
23 notice of impending termination of providers and a current list of
24 contract providers;

25 (5) the political subdivision or pool shall provide
26 for emergency care if an injured worker cannot reasonably reach a
27 contract provider and the care is for medical screening or other

1 evaluation that is necessary to determine whether a medical
2 emergency condition exists, necessary emergency care services
3 including treatment and stabilization, and services originating in
4 a hospital emergency facility following treatment or stabilization
5 of an emergency medical condition;

6 (6) prospective or concurrent review of the medical
7 necessity and appropriateness of health care services must comply
8 with Article 21.58A, Insurance Code;

9 (7) the political subdivision or pool shall continue
10 to report data to the appropriate agency as required by Title 5 of
11 this code and Chapter 1305, Insurance Code; and

12 (8) a political subdivision or pool is subject to the
13 requirements under Sections [~~1305.501~~] 1305.502[~~7~~] and 1305.503,
14 Insurance Code.

15 SECTION 3. The following provisions are repealed:

16 (1) Section 1305.501, Insurance Code;

17 (2) Section 2053.012, Insurance Code; and

18 (3) Sections 405.0025(b) and (c), Labor Code.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.