

Amend HB 3168 as follows:

(1) Add a new Section 2 as follows:

SECTION 2. Section 408.123, Labor Code, is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

(d) Except as provided in subsections (e), (f) and (g), the first valid certification of maximum medical improvement and the first valid assignment of impairment rating to an employee are final if the certification of maximum medical improvement and/or the assigned impairment rating is not disputed within 90 days after written notification of the maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

(e) The first certification of maximum medical improvement and/or impairment rating may be disputed after the 90-day period if:

(1) There is compelling medical evidence establishing the following:

(A) a significant error on the part of the certifying doctor in applying the appropriate American Medical Association Guides and/or calculating the impairment rating;

(B) a clear mis-diagnosis or a previously undiagnosed medical condition; or

(C) prior improper or inadequate treatment of the injury which would render the certification of maximum medical improvement or impairment rating invalid; or

(2) There are other compelling circumstances as established by Commission rule.

(f) If an employee has not been certified as having reached maximum medical improvement before the expiration of 104 weeks from the date on which income benefits begin to accrue or the expiration of the date of any extension under §408.104, the impairment rating assigned after the end of the 104 weeks or after the end of the extended period under §408.104 is final if the impairment rating is not disputed within 90 days after written notification of the maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

(g) If a disputed certification of maximum medical

improvement or assignment of impairment rating is finally modified, overturned or withdrawn, the first subsequent certification and assignment becomes final if it is not disputed within 90 days after written notification of maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

(2) Renumber sections as necessary.