

BILL ANALYSIS

H.B. 3590
By: Giddings
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

HB 2600, passed last session, required the Texas Workers' Compensation Commission (TWCC) to review the practices of doctors and insurance carriers to improve the quality of medical care and lower costs in the workers' compensation system. HB 3590 would allow TWCC to move forward on reviews of doctors and insurance carriers as described in HB 2600. By giving stronger immunity protections to members of TWCC's Medical Quality Review Panel (MQRP), the bill would ensure they cannot be sued for performing their reviews in good faith. HB 2600 created the MQRP to give TWCC additional medical expertise to monitor and sanction bad doctors and insurance carriers.

HB 3590 would address some of the confidentiality concerns about sharing information between TWCC and the Board of Medical Examiners (BME) and the Board of Chiropractic Examiners (BCE), since those entities also regulate doctors; this should allow the agencies to work more closely during individual investigations and disciplinary actions.

HB 3590 also addresses an issue that was recently discovered by TWCC relating to how the weekly or monthly cap of income benefits for injured workers is calculated. Currently, income benefits that injured workers receive are capped at 100 percent of the state average weekly wage (SAWW), which is calculated by the Texas Workforce Commission (TWC) using the average weekly wage for manufacturing production workers. The industry codes that TWC used to previously calculate the SAWW have changed; a statutory change is needed to avoid an unintended increase in the cap on weekly benefits.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Amends Sections 413.0511 and 413.0513 of the Labor Code, to allow the medical advisor to share certain information with the Board of Medical Examiners, the Board of Chiropractic Examiners, or other occupational licensing boards regarding a physician, chiropractor, or other type of doctor who applies for registration or is registered with the commission. Clarifies that certain confidential information is not subject to disclosure. Adds Sections 413.0514 and 413.0515 to clarify information sharing between the commission and the occupational licensing boards, including disciplinary actions or violations. Amends Section 160.006 of the Occupations Code adding TWCC to list of entities entitled to information. Amends Section 413.0512, Labor Code, to provide immunity from civil liability to actions undertaken as a member of the Medical Quality Review Panel. Amends Section 408.047 of the Labor Code setting the state average weekly wage to \$537 for FY 2003-2004 and to \$539 for FY 2004-2005. Effective date.

EFFECTIVE DATE

Immediate effect with two-thirds vote, or failing this, September 1, 2003.