

BILL ANALYSIS

Senate Research Center

S.B. 820
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State Affairs
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As Filed

DIGEST AND PURPOSE

Under current law, an employee assigned an impairment rating under the workers' compensation system is not limited by any deadline to dispute an assessment of maximum medical improvement or impairment rating. This is the result of a court ruling in the case of *Fulton v. Associated Indemnity Corp.*, which invalidated a rule requiring injured workers and insurance carriers to dispute an impairment rating within 90 days or have the rating become final. In that case, the court ruled that the rule had no statutory basis. As proposed, S.B. 820 makes an impairment rating assigned to an employee under the workers' compensation system final if the employee does not appeal that rating within 90 days.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 408.123, Labor Code, by adding Subsection (d) to provide that the first impairment rating assigned to an employee is considered final if the rating is not disputed within 90 days after the rating is assigned.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.