

BILL ANALYSIS

S.B. 1572
By: Carona
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

HB 2600 abolished Texas Workers' Compensation Commission's treatment guidelines and required that any new guidelines adopted be nationally recognized, scientifically valid and outcome-based. During the interim, issues were raised involving commonly disputed pharmaceuticals. The suggestion was for TWCC to adopt pharmaceutical guidelines. However, there are no such nationally recognized pharmaceutical guidelines. SB 1572 would allow TWCC to adopt guidelines.

SB 1572 would allow the Texas Workers' Compensation Commission to adopt, by rule, individual treatment protocols. If a nationally recognized treatment protocol or guideline is not available for adoption by the commission, then the commission is not prevented from adopting a treatment guideline or protocol as long as it is scientifically valid and outcome-based.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Workers' Compensation Commission in SECTION 2 of this bill.

ANALYSIS

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 413.011 to include "and Protocols".

SECTION 2. Amends Section 413.011(e), Labor Code, and provides that the Texas Workers' Compensation Commission to adopt, by rule, individual treatment protocols. If a nationally recognized treatment protocol or guideline is not available for adoption by the commission, then the commission is not prevented from adopting a treatment guideline or protocol as long as it is scientifically valid and outcome-based.

Amends Section 413.011(f), Labor Code, and includes words "and protocols".

SECTION 3. Provides that Act applies only to claim for workers' compensation benefits based on a compensation benefits based on a compensable injury that occurs on or after the effective date. A claim based on a compensable injury that occurs before the effective date of this Act is governed by the law in effect on the date that the compensable injury occurred, and the former law is continued in effect for that purpose.

SECTION 4. Provides for an immediate effective date if it receives a vote of two-thirds of all members elected to each house or, if not, that the effective date of the Act is September 1, 2003.

EFFECTIVE DATE

Immediate effect with 2/3 vote or, failing such a vote, September 1, 2003

