

BILL ANALYSIS

C.S.S.B. 1574
By: Carona
Business & Industry
Committee Report (Substituted)

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. CSSB 1574 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.

CSSB 1574 would address some of the confidentiality concerns about sharing information among 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.

CSSB 1574 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(b) of the Labor Code, to clarify that the MQRP may 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. Amends Section 413.0512(d), Labor Code, to provide immunity from civil liability and suits for actions undertaken as a member of the Medical Quality Review Panel and applies regardless of whether the person is a member of the panel at the time the action is brought. Amends Section 413.0513, of the Labor Code, providing for confidentiality of information. Adds Sections 413.0514 and 413.0515 to the Labor Code allowing information sharing among TWCC, BME and BCE, including reports of physician and chiropractic violations. Amends Section 160.006(a), Occupations Code, further clarifying TWCC access to information. 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. Changes made by this Act apply to information without regard to the date the information is collected, compiled, developed or shared between the agencies; effective date.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute bill grants Medical Quality Review Panel members further immunity from civil liability and suits for actions undertaken as a member of the panel given certain circumstances and conditions; this immunity applies regardless of whether the person is a current member of the panel. The substitute also

adds a new definition for average weekly wage which is used in determining worker compensation benefits.