

By: Fraser

S.B. No. 820

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the assignment of impairment ratings to injured
3 employees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 408.123, Labor Code, is amended by
6 adding Subsections (d) and (e) to read as follows:

7 (d) The first impairment rating assigned to an employee is
8 considered final if the rating is not disputed within 90 days after
9 the rating is assigned, except as provided in Subsection (e).

10 (e) The first certification of impairment rating may be
11 disputed after the 90-day period if there is compelling evidence
12 establishing the following:

13 (1) a significant error on the part of the certifying
14 doctor in applying the appropriate American Medical Association
15 Guides or calculating the impairment rating;

16 (2) a clear misdiagnosis or a previously undiagnosed
17 medical condition;

18 (3) prior improper or inadequate treatment of the
19 injury which would render the certification of impairment rating
20 invalid; or

21 (4) other compelling circumstances adopted by
22 commission rule.

23 SECTION 2. (a) This Act takes effect September 1, 2003.

24 (b) The change in law made by this Act applies only to an

1 impairment rating assigned on or after the effective date of this
2 Act. An impairment rating assigned before the effective date of
3 this Act is governed by the law in effect on the date that the
4 impairment rating was assigned, and the former law is continued in
5 effect for that purpose.