

By: Carona

S.B. No. 1573

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the applicability of the medical reimbursement policies
3 and guidelines of the Texas Workers' Compensation Commission to
4 medical dispute resolution in the Texas workers' compensation
5 system.

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

7 SECTION 1. Section 413.031, Labor Code, is amended to read
8 as follows:

9 Sec. 413.031. MEDICAL DISPUTE RESOLUTION. (e) Except as
10 provided by Subsection (d), a review of the medical necessity of a
11 health care service provided under this chapter or Chapter 408
12 shall be conducted by an independent review organization under
13 Article 21.58C, Insurance Code, in the same manner as reviews of
14 utilization review decisions by health maintenance organizations.
15 In performing a review of medical necessity under Subsection (d) or
16 this subsection, the independent review organization shall
17 consider the commission's health care reimbursement policies and
18 guidelines adopted under Section 413.011, if these policies and
19 guidelines are raised by one of the parties to the dispute. If the
20 independent review organization's decision is contrary to the
21 commission's policies or guidelines, the decision shall indicate
22 the specific basis for its divergence in the review of medical
23 necessity. This section does not prohibit an independent review
24 organization from considering the payment policies adopted under

1 Section 413.011 in any dispute, regardless of whether these
2 policies are raised by a party to the dispute. It is a defense for
3 the insurance carrier if the carrier timely complies with the
4 decision of the independent review organization.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2003.

10 SECTION 3. The change in law made by this Act applies to a
11 request for medical dispute resolution filed with the commission on
12 or after the effective date of this Act.