

By: Harris

S.B. No. 1804

A BILL TO BE ENTITLED

AN ACT

relating to the resolution of certain medical disputes and certain other procedures in connection with workers' compensation benefits.

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

SECTION 1. Subsection (b), Section 408.143, Labor Code, is amended to read as follows:

(b) The statement required under this section must be filed ~~[quarterly]~~ on a form and in the manner provided by the commission. The commission may modify the filing period as appropriate to an individual case. Unless modified by the commission, the statement shall be filed quarterly until the first anniversary of the date of the commission's initial determination of supplemental benefits and, after that date, the statement shall be filed every six months if supplemental benefits were provided continuously during that first year.

SECTION 2. Subsection (b), Section 408.151, Labor Code, is amended to read as follows:

(b) If a dispute exists as to whether the employee's medical condition has improved sufficiently to allow the employee to return to work, the commission shall direct the employee to be examined by a designated doctor chosen by the commission. In addition to determining whether the employee's medical condition has improved, the examination must include a determination of the type of

1 employment the employee is physically or medically able to perform.
2 The designated doctor shall report to the commission. The report of
3 the designated doctor has presumptive weight, and the commission
4 shall base its determination of whether the employee's medical
5 condition has shown improved functional gain [~~sufficiently~~] to
6 allow the employee to return to work on that report unless the great
7 weight of the other medical evidence is to the contrary.

8 SECTION 3. Subchapter C, Chapter 413, Labor Code, is
9 amended by adding Section 413.032 to read as follows:

10 Sec. 413.032. ALTERNATIVE MEDICAL DISPUTE RESOLUTION
11 PROCESS. (a) The commission shall evaluate the effectiveness and
12 costs of the medical dispute resolution process under Section
13 413.031 and study proposals for the establishment of an alternative
14 process. In performing the study and proposing an alternative
15 medical dispute resolution process, the commission shall emphasize
16 the establishment of a process that is less expensive than the
17 current system.

18 (b) In performing the commission's duties under this
19 section, the commission shall solicit the participation of persons
20 who represent the interests of employees, employers, health care
21 providers, insurance carriers, governmental agencies, and others
22 who may be interested in the results of the study.

23 (c) The commission shall report the results of the study
24 under this section, including the commission's proposal for an
25 alternative medical dispute resolution process, to the lieutenant
26 governor and speaker of the house of representatives not later than
27 December 1, 2004.

1 (d) This section expires January 1, 2006.

2 SECTION 4. Subsection (e), Section 413.014, Labor Code, is
3 amended to read as follows:

4 (e) The commission may not prohibit an insurance carrier and
5 a health care provider from voluntarily discussing health care
6 treatment and treatment plans and pharmaceutical services, either
7 prospectively or concurrently, and may not prohibit an insurance
8 carrier from certifying or agreeing to pay for health care
9 consistent with those agreements. The insurance carrier is liable
10 for health care treatment and treatment plans and pharmaceutical
11 services that are voluntarily preauthorized and may not dispute the
12 certified or agreed-on preauthorized health care treatment and
13 treatment plans and pharmaceutical services at a later date.

14 SECTION 5. (a) This Act takes effect September 1, 2003.

15 (b) The changes in law made by this Act by the amendment of
16 Sections 408.143, 408.151, and 413.014, Labor Code, apply only to a
17 claim for workers' compensation benefits based on a compensable
18 injury that occurs on or after the effective date of this Act. A
19 claim based on a compensable injury that occurs before the
20 effective date of this Act is governed by the law in effect on the
21 date the compensable injury occurred, and the former law is
22 continued in effect for that purpose.