

## **BILL ANALYSIS**

Senate Research Center  
80R2419 PB-D

H.B. 886  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the return-to-work pilot program grants up to \$2,500 to a small employer who makes workplace modifications for an injured employee to come back to work. These modifications do not necessarily have to be physical such as wheelchair ramps, they can also be any modifications that help the injured employee, such as computer software.

As of January 31, 2007, one application to the program had been approved and one application was pending. Although the division of workers' compensation at the Texas Department of Insurance (division) has tried to make outreach efforts, employers may be hesitant to use the program because small employers often cannot afford to pay for modifications when there is no guarantee of repayment.

H.B. 886 provides the small employer with the option of submitting a plan to the division for preauthorization. If the division approves the plan, the employer would feel more comfortable with going ahead with the modifications, knowing that if the employer adheres to the plan, the employer will be financially compensated. This bill allows employers to make modifications with the assurance that those modifications will be paid under the program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 (Section 413.022, Labor Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 413.022, Labor Code, by adding Subsection (c-1), as follows:

(c-1) Requires the commissioner of workers' compensation (commissioner) by rule to establish an optional preauthorization plan for eligible employers who participate in the small employer return-to-work pilot program. Requires an employer, to participate in the preauthorization plan, to submit a proposal to the workers' compensation division of the Texas Department of Insurance (division), in the manner described by the division, that describes the workplace modifications and other changes that the employer proposes to make to accommodate an injured employee's return to work. Requires the division, if the division approves the employer's proposal, to guarantee reimbursement of the expenses incurred by the employer in implementing the modifications and changes from the account unless the division determines that the modifications and changes differ materially from the employer's proposal. Provides that reimbursement under this subsection is subject to the limit imposed under Subsection (c).

SECTION 2. Effective date: upon passage or September 1, 2007.