

BILL ANALYSIS

H.B. 2004
By: Giddings
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a doctor reviewing a case in the workers' compensation system does not need to be certified in a specialty appropriate to the care that the worker is receiving. Anecdotal evidence has been heard about a general practitioner reviewing a case of a complex surgery, and rendering an opinion.

Wrongful denials can be devastating for the patient. This legislation is aimed at making sure that doctors reviewing a case have the necessary expertise to make good medical decisions and reduce the number of wrongful denials.

House Bill 2004 requires a doctor reviewing a workers' compensation case to be certified in a specialty appropriate to the type of care an injured employee is receiving. The bill specifies that chiropractors will review chiropractic services and dentists will review dental services. The bill authorizes the commissioner of workers' compensation to make rules to define which specialties are appropriate to review which types of injuries.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 of this bill.

ANALYSIS

House Bill 2004 amends the Labor Code to require physicians performing health care services in the workers' compensation system, including providing certain reviews of services and performing certain medical exams, to hold a professional certification in a health care specialty appropriate to the type of health care that the injured employee is receiving. The bill requires doctors performing dental services in the workers' compensation system, including providing certain reviews of services and performing certain dental examinations, to be licensed to practice dentistry. The bill requires chiropractors performing chiropractic services in the workers' compensation system, including providing certain reviews of services or performing certain medical examinations, to be licensed to engage in the practice of chiropractic. The bill authorizes the commissioner of workers' compensation to adopt rules as necessary to determine which professional health care practitioner specialties are appropriate for treatment of certain compensable injuries. The bill makes conforming and nonsubstantive changes.

EFFECTIVE DATE

September 1, 2007.