

By: Giddings

H.B. No. 1003

A BILL TO BE ENTITLED

AN ACT

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relating to professional licensing requirements for independent review of certain medical decisions regarding workers' compensation claims.

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

SECTION 1. Section 413.031, Labor Code, is amended by amending Subsections (d) and (e) and adding Subsection (e-2) to read as follows:

(d) A review of the medical necessity of a health care service requiring preauthorization under Section 413.014 or commissioner rules under that section or Section 413.011(g) shall be conducted by an independent review organization under Chapter 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as reviews of utilization review decisions by health maintenance organizations. It is a defense for the insurance carrier if the carrier timely complies with the decision of the independent review organization.

(e) Except as provided by Subsections (d), (f), and (m), a review of the medical necessity of a health care service provided under this chapter or Chapter 408 shall be conducted by an independent review organization under Chapter 4202 [~~Article 21.58C~~], Insurance Code, in the same manner as reviews of utilization review decisions by health maintenance organizations. It is a defense for the insurance carrier if the carrier timely

1 complies with the decision of the independent review organization.

2 (e-2) Notwithstanding Section 4202.002, Insurance Code, an
3 independent review organization that uses doctors to perform
4 reviews of health care services provided under this title may only
5 use doctors licensed to practice in this state.

6 SECTION 2. The change in law made by this Act applies only
7 to a claim for workers' compensation benefits based on a
8 compensable injury that occurs on or after the effective date of
9 this Act. A claim based on a compensable injury that occurs before
10 that date is governed by the law in effect on the date that the
11 compensable injury occurred, and the former law is continued in
12 effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2007.