

AN ACT

relating to workers' compensation medical benefits for certain prosthetic or orthotic devices.

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

SECTION 1. Section 401.011, Labor Code, is amended by amending Subdivision (19) and adding Subdivisions (34-a) and (35-a) to read as follows:

(19) "Health care" includes all reasonable and necessary medical aid, medical examinations, medical treatments, medical diagnoses, medical evaluations, and medical services. The term does not include vocational rehabilitation. The term includes:

(A) medical, surgical, chiropractic, podiatric, optometric, dental, nursing, and physical therapy services provided by or at the direction of a doctor;

(B) physical rehabilitation services performed by a licensed occupational therapist provided by or at the direction of a doctor;

(C) psychological services prescribed by a doctor;

(D) the services of a hospital or other health care facility;

(E) a prescription drug, medicine, or other remedy; and

1 (F) a medical or surgical supply, appliance,  
2 brace, artificial member, or prosthetic or orthotic device  
3 [~~prosthesis~~], including the fitting of, change or repair to, or  
4 training in the use of the appliance, brace, member, or device  
5 [~~prosthesis~~].

6 (34-a) "Orthotic device" means a custom-fitted or  
7 custom-fabricated medical device that is applied to a part of the  
8 human body to correct a deformity, improve function, or relieve  
9 symptoms related to a compensable injury or occupational disease.

10 (35-a) "Prosthetic device" means an artificial device  
11 designed to replace, wholly or partly, an arm or leg.

12 SECTION 2. Subsection (b), Section 1305.004, Insurance  
13 Code, is amended to read as follows:

14 (b) In this chapter, the following terms have the meanings  
15 assigned by Section 401.011, Labor Code:

- 16 (1) "compensable injury";
- 17 (2) "doctor";
- 18 (3) "employer";
- 19 (4) "health care";
- 20 (5) "health care facility";
- 21 (6) "health care practitioner";
- 22 (7) "health care provider";
- 23 (8) "injury";
- 24 (9) "insurance carrier"; [~~and~~]
- 25 (10) "orthotic device";
- 26 (11) "prosthetic device"; and
- 27 (12) "treating doctor."

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 458 passed the Senate on March 14, 2007, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 458 passed the House on May 8, 2007, by the following vote: Yeas 146, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor