

By: Watson

S.B. No. 1767

A BILL TO BE ENTITLED

AN ACT

relating to physician licensing requirements for utilization review of medical decisions regarding workers' compensation claims.

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

SECTION 1. Section 408.023(h), Labor Code, is amended to read as follows:

(h) Notwithstanding Section 4201.152 [~~4(h), Article 21.58A~~], Insurance Code, a utilization review agent that uses doctors to perform reviews of health care services provided under this subtitle may only use doctors licensed [~~by another state to perform the reviews, but the reviews must be performed under the direction of a doctor licensed~~] to practice in this state.

SECTION 2. Section 408.0231(e), Labor Code, is amended to read as follows:

(e) The commissioner shall act on a recommendation by the medical advisor selected under Section 413.0511 and, after notice and the opportunity for a hearing, may impose sanctions under this section on a doctor or an insurance carrier or may recommend action regarding a utilization review agent. The commissioner and the commissioner of insurance shall enter into a memorandum of understanding to coordinate the regulation of insurance carriers and utilization review agents as necessary to ensure:

(1) compliance with applicable regulations; and

1 (2) that appropriate health care decisions are reached
2 under this subtitle and under Chapter 4201 [~~Article 21.58A~~],
3 Insurance Code.

4 SECTION 3. (a) Sections 4201.054(a) and (d), Insurance
5 Code, as effective April 1, 2007, are amended to conform to Section
6 6.072, Chapter 265, Acts of the 79th Legislature, Regular Session,
7 to read as follows:

8 (a) Except as provided by this section, this chapter applies
9 to utilization review of a health care service provided to a person
10 eligible for workers' compensation medical benefits under Title 5,
11 Labor Code. The commissioner of workers' compensation shall
12 regulate as provided by this chapter a person who performs
13 utilization review of a medical benefit provided under Title 5
14 [~~Chapter 408~~], Labor Code.

15 (d) The commissioner of workers' compensation [~~and the~~
16 ~~Texas Workers' Compensation Commission~~] may adopt rules [~~and enter~~
17 ~~into memoranda of understanding~~] as necessary to implement this
18 section.

19 (b) Section 4201.054(b), Insurance Code, is repealed to
20 conform to Section 6.072, Chapter 265, Acts of the 79th
21 Legislature, Regular Session, 2005.

22 (c) Section 6.072, Chapter 265, Acts of the 79th
23 Legislature, Regular Session, 2005, is repealed.

24 SECTION 4. (a) Section 4201.207(b), Insurance Code, as
25 effective April 1, 2007, is amended to conform to Section 6.071,
26 Chapter 265, Acts of the 79th Legislature, Regular Session, 2005,
27 to read as follows:

1 (b) A health care provider's charges for providing medical
2 information to a utilization review agent may not:

3 (1) exceed the cost of copying records regarding a
4 workers' compensation claim as set by rules adopted by the
5 commissioner of workers' compensation [~~Texas Workers' Compensation~~
6 ~~Commission~~]; or

7 (2) include any costs otherwise recouped as part of
8 the charges for health care.

9 (b) Section 6.071, Chapter 265, Acts of the 79th
10 Legislature, Regular Session, 2005, is repealed.

11 SECTION 5. The change in law made by this Act applies only
12 to a claim for workers' compensation benefits based on a
13 compensable injury that occurs on or after the effective date of
14 this Act. A claim based on a compensable injury that occurs before
15 that date is governed by the law in effect on the date that the
16 compensable injury occurred, and the former law is continued in
17 effect for that purpose.

18 SECTION 6. To the extent of any conflict, this Act prevails
19 over another Act of the 80th Legislature, Regular Session, 2007,
20 relating to nonsubstantive additions to and corrections in enacted
21 codes.

22 SECTION 7. This Act takes effect September 1, 2007.