

BILL ANALYSIS

C.S.H.B. 1166
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 80th Legislature, Regular Session, 2007, required doctors providing professional services under the workers' compensation system to be licensed in Texas. However, there is no requirement for such doctors to maintain their primary practice in the state, and they are not required to have significant, relevant office experience with patients.

C.S.H.B. 1166 adds professional practice requirements for doctors, dentists, and chiropractors providing services under the workers' compensation system.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1166 amends the Labor Code to require a doctor who performs a peer review, utilization review, or a required medical examination requested by an insurance carrier relating to a workers' compensation proceeding to hold the same professional certification as the employee's treating doctor, if appropriate to the specific case; maintain the doctor's primary practice location in Texas; and have maintained routine office hours of at least 20 hours per week for the treatment of patients for at least three years during the doctor's career. The bill applies the same requirements regarding the maintenance of a primary practice location in Texas and the maintenance of routine office hours to a dentist or chiropractor who performs a peer review, utilization review, or required dental or medical examination, as applicable, requested by an insurance carrier relating to a workers' compensation proceeding.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1166 differs from the original by adding a new statute subsection imposing the professional certification, practice location, and office hour requirements specifically on a doctor who performs peer review, utilization review, or a required medical examination requested by an insurance carrier, whereas the original amends an existing statute subsection applicable to a person who reviews a specific workers' compensation case. The substitute requires such doctor to have maintained the specified number of routine office hours for the treatment of patients for at least three years, whereas the original requires the person to have actively engaged in the treatment of patients in this state in person. The substitute removes a requirement added by the original for such person to be licensed to practice in Texas.

C.S.H.B. 1166 differs from the original by adding new statute sections imposing the same practice location and office hour requirements on a dentist and on a chiropractor performing peer review, utilization review, or a required dental or medical examination, as applicable, requested by an insurance carrier, whereas the original amends existing statute subsections applicable to a person who reviews dental or chiropractic service, as applicable, in conjunction with a specific workers' compensation case. The substitute requires such dentist or chiropractor to have maintained the specified number of routine office hours for the treatment of patients for at least three years, whereas the original requires the person to have actively engaged in the treatment of patients in this state in person. The substitute removes the requirement added in the original that the licensed dentist or chiropractor be licensed to practice in this state.