

BILL ANALYSIS

Senate Research Center

H.B. 2547
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A number of occupational health studies identify a connection between the duration of a workers' compensation claim and long-term loss of earning power. The longer an injured worker remains away from work, the more difficult it is to resume the worker's original job and income. Returning to work speeds an injured worker's recovery and reduces the financial impact of a workers' compensation claim on the worker, the employer, and the workers' compensation system.

H.B. 2547 amends current law relating to the use of a description of employment in determining the safety and appropriateness of a return to employment by an injured employee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 (Section 408.0221, Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 408, Labor Code, by adding Section 408.0221, as follows:

Sec. 408.0221. REQUEST FOR DESCRIPTION OF EMPLOYMENT. (a) Provides that this section applies only to an employee of an employer who has 10 or more employees.

(b) Authorizes the treating doctor, to facilitate an injured employee's return to employment as soon as it is considered safe and appropriate by the injured employee's treating doctor, to request that the injured employee's employer provide the treating doctor with the information described by Subsection (d) on the form adopted under that subsection.

(c) Provides that information provided to a treating doctor under Subsection (b) does not constitute a request by the employer that the injured employee return to the employment; an offer of employment by the employer for the injured employee to return to employment; or an admission of the compensability of the injury of the employee.

(d) Requires the commissioner of workers' compensation (commissioner) to prescribe a form to provide information from an employer to a treating doctor concerning the functions and physical responsibilities of an injured employee's job. Requires the form prescribed under this subsection, to the extent possible, to be one page, use a check box format as appropriate, and be compatible with electronic mail. Requires that the form include:

(1) the name and address of the employer and the contact information and availability of the individual representing the employer who has knowledge of the injured employee's job;

(2) the scope of the injured employee's employment, including any specific tasks, job duties, or work activities that the injured employee was required to perform at the time the employee sustained the injury; and

(3) an area for additional comments or information by the employer or individual representing the employer concerning the injured employee's job or the availability, if any, of other jobs that the employer may have that the employer would like the treating doctor to consider in determining whether an injured employee is able to return to work.

(e) Authorizes the commissioner to adopt rules as necessary to implement this section and to facilitate communication between the employer and the treating doctor regarding return-to-work opportunities.

SECTION 2. Effective date: September 1, 2009.