

BILL ANALYSIS

C.S.H.B. 2547
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

C.S.H.B. 2547 authorizes a doctor treating an injured employee to request information from the employer using a form prescribed by the commissioner of workers' compensation to facilitate an injured employee's return to employment as soon as it is considered safe and appropriate.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2547 amends the Labor Code to authorize a treating doctor, in facilitating the return of an employee back to employment as soon as it is considered safe and appropriate by the doctor, to request that the injured employee's employer provide the treating doctor with certain information on a standardized form adopted by the commissioner of workers' compensation. The bill clarifies that the information provided to the doctor 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.

C.S.H.B. 2457 requires the commissioner of workers' compensation by rule to adopt a standardized form through which an employer may provide information to a treating doctor concerning an injured employee. The bill sets forth the required information to be contained on the form and requires the form, if possible, to be no longer than one page and compatible with electronic mail. The bill makes its provisions applicable only to an employee of an employer who has 10 or more employees. The bill requires interested parties to be involved in the rulemaking process and given an opportunity to comment on the form proposed for adoption.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2547 differs from the original by making its provisions applicable only to an employee of an employer who has 10, rather 75 as in the original, or more employees. The substitute

differs from the original by authorizing the treating doctor of an injured employee to request the employee's employer to provide certain information using a form adopted by the commissioner of workers' compensation, whereas the original required an employer to provide the treating doctor, on request, with specific information. The substitute adds a provision not in the original specifying that information provided to a treating doctor does not constitute an admission of the compensability of the injury of the employee.

C.S.H.B. 2547 differs from the original by requiring the commissioner by rule to adopt a standardized form through which an employer may provide information to a treating doctor concerning an injured employee, setting forth requirements for the form, and requiring interested parties to be involved in the rulemaking process.