

## **BILL ANALYSIS**

S.B. 1815  
By: Van de Putte  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The purpose of Section 413.054, Labor Code, is to provide doctors performing medical reviews at the request of the division of workers' compensation at the Texas Department of Insurance, including designated doctors, independent medical examiners, doctors performing a medical case review, and members of a peer review panel, the same immunity from liability as the commissioner of workers' compensation. These reviews may be requested by the division in an effort to resolve a medical dispute or in a review of an individual health care provider's or insurance carrier's activities on a particular claim. Prior to the adoption of H.B. 7, 79th Legislature, Regular Session, 2005, Section 413.054 referenced Section 402.010, Labor Code, the immunity provision for a member of the Texas Workers' Compensation Commission, the division's predecessor agency, Section 402.010, relating to the civil liability of a commission member, was repealed by H.B.7, 79th Legislature, Regular Session, 2005.

When H.B. 7 eliminated the Texas Workers' Compensation Commission and created the division, the statute amended Section 413.054, changing the immunity reference for doctors performing reviews at the request of the division from Section 402.010 to Section 402.0024, which does not exist in the Labor Code. Section 402.00123, relating to the civil liability of a commissioner, rather than Section 402.0024, is the correct statutory citation for the commissioner of workers' compensation's statutory immunity from liability.

S.B. 1815 provides that a doctor performing a required medical examination or an independent medical examination for the division of worker's compensation has the same immunity from liability as the commissioner of workers' compensation and provides that this immunity does not apply to examinations requested by the insurance carrier or the injured employee.

### **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**

S.B. 1815 amends the Labor Code to establish that a provision that provides certain persons who perform services for the division of workers' compensation of the Texas Department of Insurance the same immunity from liability as the commissioner of workers' compensation applies to a doctor performing a required medical examination or an independent medical examination, rather than to an independent medical examiner. The bill provides that this immunity does not apply to a person performing a service at the request of an insurance carrier, injured employee or injured employee's representative.

### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.