

By: Deshotel

H.B. No. 2428

A BILL TO BE ENTITLED

AN ACT

1
2 relating to immunity from liability for doctors performing certain
3 medical services at the request of the Division of Workers'
4 Compensation.

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

6 SECTION 1. Section 413.054, Labor Code is amended to read as
7 follows:

8 Sec. 413.054. IMMUNITY FROM LIABILITY. (a) A person who
9 performs services for the division as a designated doctor, ~~[an]~~ a
10 doctor performing a required medical examination or an independent
11 medical [examiner] examination, a doctor performing a medical case
12 review, or a member of a peer review panel has the same immunity
13 from liability as the commissioner under Section ~~[402.0024]~~
14 402.00123.

15 (b) Immunity from liability under this section does not
16 apply to a person providing medical treatment to an injured
17 employee or to a doctor performing a service at the request of an
18 insurance carrier, injured employee or injured employee's
19 representative.

20 SECTION 2. EFFECTIVE DATE. This Act takes effect
21 immediately if it receives a vote of two-thirds of all the members
22 elected to each house, as provided by Section 39, Article III, Texas
23 Constitution. If this Act does not receive the vote necessary for
24 immediate effect, this Act takes effect September 1, 2009.