

By: Giddings

H.B. No. 2547

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of a description of employment in determining
3 the safety and appropriateness of a return to employment by an
4 injured employee.

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

6 SECTION 1. Subchapter B, Chapter 408, Labor Code, is
7 amended by adding Section 408.0221 to read as follows:

8 Sec. 408.0221. REQUEST FOR DESCRIPTION OF EMPLOYMENT. (a)

9 This section applies only to an employee of an employer who has 10
10 or more employees.

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

17 (c) Information provided to a treating doctor under
18 Subsection (b) does not constitute:

19 (1) a request by the employer that the injured
20 employee return to the employment;

21 (2) an offer of employment by the employer for the
22 injured employee to return to employment; or

23 (3) an admission of the compensability of the injury
24 of the employee.

1 (d) The commissioner shall prescribe a form to provide
2 information from an employer to a treating doctor concerning the
3 functions and physical responsibilities of an injured employee's
4 job. To the extent possible, the form prescribed under this
5 subsection shall be one page, use a check box format as appropriate,
6 and be compatible with electronic mail. The form must include:

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

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

15 (3) an area for additional comments or information by
16 the employer or individual representing the employer concerning:

17 (A) the injured employee's job; or

18 (B) the availability, if any, of other jobs that
19 the employer may have that the employer would like the treating
20 doctor to consider in determining whether an injured employee is
21 able to return to work.

22 (e) The commissioner may adopt rules as necessary to
23 implement this section and to facilitate communication between the
24 employer and the treating doctor regarding return-to-work
25 opportunities.

26 SECTION 2. This Act takes effect September 1, 2009.