

By: Giddings

H.B. No. 2547

Substitute the following for H.B. No. 2547:

By: Quintanilla

C.S.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 by rule adopt a standardized form
2 through which an employer may provide information to a treating
3 doctor concerning an injured employee. The form must:

4 (1) if possible, be no longer than one page in length
5 and be compatible with electronic mail; and

6 (2) include:

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

11 (B) an area for additional comments or
12 information if needed by the employer or individual representing
13 the employer concerning the injured employee's job;

14 (C) to the extent practicable, a check box format
15 that indicates work activities that were required of the injured
16 employee before the employee sustained the injury;

17 (D) a description of the scope of the injured
18 employee's employment; and

19 (E) any other information the commissioner
20 determines to be necessary to advance communication between the
21 injured employee's employer and treating doctor.

22 (e) In adopting the form under Subsection (d), the
23 commission shall involve interested parties in the rulemaking
24 process and afford those parties an opportunity to comment on the
25 form proposed for adoption.

26 SECTION 2. The change in law made by this Act applies only
27 to a claim for workers' compensation benefits based on a

1 compensable injury that occurs on or after the effective date of
2 this Act. A claim based on a compensable injury that occurs before
3 the effective date of this Act is governed by the law in effect on
4 the date the compensable injury occurred, and the former law is
5 continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2009.