

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 75
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 injured employee's employer
14 shall provide the treating doctor, on request, with a specific
15 description of:

16 (1) the scope of the injured employee's employment;
17 and

18 (2) any specific tasks the injured employee was
19 required to perform or specific duties the injured employee was
20 required to fulfill in the course of the injured employee's
21 employment before the employee sustained the compensable injury.

22 (c) A description provided to a treating doctor under
23 Subsection (b) does not constitute:

24 (1) a request by the employer that the injured

1 employee return to the employment; or

2 (2) an offer of employment by the employer for the
3 injured employee to return to employment.

4 SECTION 2. The change in law made by this Act applies only
5 to a claim for workers' compensation benefits based on a
6 compensable injury that occurs on or after the effective date of
7 this Act. A claim based on a compensable injury that occurs before
8 the effective date of this Act is governed by the law in effect on
9 the date the compensable injury occurred, and the former law is
10 continued in effect for that purpose.

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