

1-1 By: Giddings (Senate Sponsor - Deuell) H.B. No. 2547
1-2 (In the Senate - Received from the House May 8, 2009;
1-3 May 8, 2009, read first time and referred to Committee on State
1-4 Affairs; May 19, 2009, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 19, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of a description of employment in determining
1-9 the safety and appropriateness of a return to employment by an
1-10 injured employee.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 408, Labor Code, is
1-13 amended by adding Section 408.0221 to read as follows:

1-14 Sec. 408.0221. REQUEST FOR DESCRIPTION OF EMPLOYMENT. (a)
1-15 This section applies only to an employee of an employer who has 10
1-16 or more employees.

1-17 (b) To facilitate an injured employee's return to
1-18 employment as soon as it is considered safe and appropriate by the
1-19 injured employee's treating doctor, the treating doctor may request
1-20 that the injured employee's employer provide the treating doctor
1-21 with the information described by Subsection (d) on the form
1-22 adopted under that subsection.

1-23 (c) Information provided to a treating doctor under
1-24 Subsection (b) does not constitute:

1-25 (1) a request by the employer that the injured
1-26 employee return to the employment;

1-27 (2) an offer of employment by the employer for the
1-28 injured employee to return to employment; or

1-29 (3) an admission of the compensability of the injury
1-30 of the employee.

1-31 (d) The commissioner shall prescribe a form to provide
1-32 information from an employer to a treating doctor concerning the
1-33 functions and physical responsibilities of an injured employee's
1-34 job. To the extent possible, the form prescribed under this
1-35 subsection shall be one page, use a check box format as appropriate,
1-36 and be compatible with electronic mail. The form must include:

1-37 (1) the name and address of the employer and the
1-38 contact information and availability of the individual
1-39 representing the employer who has knowledge of the injured
1-40 employee's job;

1-41 (2) the scope of the injured employee's employment,
1-42 including any specific tasks, job duties, or work activities that
1-43 the injured employee was required to perform at the time the
1-44 employee sustained the injury; and

1-45 (3) an area for additional comments or information by
1-46 the employer or individual representing the employer concerning:

1-47 (A) the injured employee's job; or

1-48 (B) the availability, if any, of other jobs that
1-49 the employer may have that the employer would like the treating
1-50 doctor to consider in determining whether an injured employee is
1-51 able to return to work.

1-52 (e) The commissioner may adopt rules as necessary to
1-53 implement this section and to facilitate communication between the
1-54 employer and the treating doctor regarding return-to-work
1-55 opportunities.

1-56 SECTION 2. This Act takes effect September 1, 2009.

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