

By: Lucio III

H.B. No. 4624

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements for doctors providing professional services under the workers' compensation system.

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

SECTION 1. Section 408.0043, Labor Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A person described by Subsection (a) who reviews a specific workers' compensation case must:

(1) hold a professional certification in a health care specialty appropriate to the type of health care that the injured employee is receiving; and

(2) receive at least 50 percent of the person's annual income through direct patient care of patients in this state.

(c) A person may not satisfy the direct patient care requirement under Subsection (b) through:

(1) the provision of professional opinions regarding an individual who is not a patient of the person; or

(2) health care consulting work.

SECTION 2. Section 408.0044, Labor Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A person described by Subsection (a) who reviews a dental service provided in conjunction with a specific workers'

1 compensation case must:

2 (1) be licensed to practice dentistry in this state;
3 and

4 (2) receive at least 50 percent of the person's annual
5 income through direct patient care of patients in this state.

6 (c) A person may not satisfy the direct patient care
7 requirement under Subsection (b) through:

8 (1) the provision of professional opinions regarding
9 an individual who is not a patient of the person; or

10 (2) dental health care consulting work.

11 SECTION 3. Section 408.0045, Labor Code, is amended by
12 amending Subsection (b) and adding Subsection (c) to read as
13 follows:

14 (b) A person described by Subsection (a) who reviews a
15 chiropractic service provided in conjunction with a specific
16 workers' compensation case must:

17 (1) be licensed to engage in the practice of
18 chiropractic in this state; and

19 (2) receive at least 50 percent of the person's annual
20 income through direct patient care of patients in this state.

21 (c) A person may not satisfy the direct patient care
22 requirement under Subsection (b) through:

23 (1) the provision of professional opinions regarding
24 an individual who is not a patient of the person; or

25 (2) chiropractic health care consulting work.

26 SECTION 4. Section 413.031(e-2), Labor Code, is amended to
27 read as follows:

1 (e-2) Notwithstanding Section 4202.002, Insurance Code, an
2 independent review organization that uses doctors to perform
3 reviews of health care services provided under this title may only
4 use doctors who:

5 (1) are licensed to practice in this state; and

6 (2) receive at least 50 percent of the doctor's annual
7 income through direct patient care of patients in this state.

8 SECTION 5. The change in law made by this Act applies only
9 to professional services provided in conjunction with a claim for
10 workers' compensation benefits based on a compensable injury that
11 occurs on or after the effective date of this Act. Professional
12 services provided in conjunction with a claim based on a
13 compensable injury that occurs before that date is governed by the
14 law in effect on the date the compensable injury occurred, and the
15 former law is continued in effect for that purpose.

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