

By: Van de Putte

S.B. No. 378

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the designated doctor's examination under the workers'
3 compensation system.

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

5 SECTION 1. Section 408.0041, Labor Code, is amended by
6 adding Subsections (f-2) and (f-3) and amending Subsection (h) to
7 read as follows:

8 (f-2) An employee required to be examined by a designated
9 doctor may request a medical examination from the treating doctor
10 or from another doctor to whom the employee is referred by the
11 treating doctor to determine any issue a designated doctor may
12 review under this section if:

13 (1) the designated doctor's opinion is the employee's
14 first medical examination to resolve an issue under Subsection (a);
15 and

16 (2) the employee is not satisfied with the designated
17 doctor's opinion.

18 (f-3) The commissioner shall provide the insurance carrier
19 and the employee with reasonable time to obtain and present the
20 opinion of a doctor selected under Subsection (f) or (f-2) before
21 the commissioner makes a decision on the merits of the issue.

22 (h) The insurance carrier shall pay for:

23 (1) an examination required under Subsection (a), ~~or~~
24 (f), or (f-2); and

1 (2) the reasonable expenses incident to the employee
2 in submitting to the examination.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.