

By: Van de Putte

S.B. No. 378

A BILL TO BE ENTITLED

AN ACT

relating to the designated doctor's examination under the workers' compensation system.

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

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

(f-2) An employee required to be examined by a designated doctor may request a medical examination to determine maximum medical improvement and the employee's impairment rating from the treating doctor or from another doctor to whom the employee is referred by the treating doctor if:

(1) the designated doctor's opinion is the employee's first evaluation of maximum medical improvement and impairment rating; and

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

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

(h) The insurance carrier shall pay for:

(1) an examination required under Subsection (a), ~~(f)~~ (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.