

1-1 By: Van de Putte S.B. No. 378
1-2 (In the Senate - Filed December 16, 2008; February 17, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 7, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 378 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the designated doctor's examination under the workers'
1-11 compensation system.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 408.0041, Labor Code, is amended by
1-14 adding Subsections (f-2) and (f-3) and amending Subsection (h) to
1-15 read as follows:

1-16 (f-2) An employee required to be examined by a designated
1-17 doctor may request a medical examination from the treating doctor
1-18 or from another doctor to whom the employee is referred by the
1-19 treating doctor to determine any issue a designated doctor may
1-20 review under this section if:

1-21 (1) the designated doctor's opinion is the employee's
1-22 first medical examination to resolve an issue under Subsection (a);
1-23 and

1-24 (2) the employee is not satisfied with the designated
1-25 doctor's opinion.

1-26 (f-3) The commissioner shall provide the insurance carrier
1-27 and the employee with reasonable time to obtain and present the
1-28 opinion of a doctor selected under Subsection (f) or (f-2) before
1-29 the commissioner makes a decision on the merits of the issue.

1-30 (h) The insurance carrier shall pay for:

1-31 (1) an examination required under Subsection (a), ~~(f)~~
1-32 (f), or (f-2); and

1-33 (2) the reasonable expenses incident to the employee
1-34 in submitting to the examination.

1-35 SECTION 2. This Act takes effect immediately if it receives
1-36 a vote of two-thirds of all the members elected to each house, as
1-37 provided by Section 39, Article III, Texas Constitution. If this
1-38 Act does not receive the vote necessary for immediate effect, this
1-39 Act takes effect September 1, 2009.

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