

1-1 By: Van de Putte S.B. No. 1815
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 7, 2009, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 7, 2009, sent to printer.)

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

1-8 relating to immunity from liability for doctors performing certain
1-9 services at the request of the division of workers' compensation of
1-10 the Texas Department of Insurance.

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

1-12 SECTION 1. Section 413.054, Labor Code, is amended to read
1-13 as follows:

1-14 Sec. 413.054. IMMUNITY FROM LIABILITY. (a) A person who
1-15 performs services for the division as a designated doctor, a doctor
1-16 performing a required medical examination or an independent medical
1-17 examination [examiner], a doctor performing a medical case review,
1-18 or a member of a peer review panel has the same immunity from
1-19 liability as the commissioner under Section 402.00123 [402.0024].

1-20 (b) Immunity from liability under this section does not
1-21 apply to a person:

1-22 (1) providing medical treatment to an injured
1-23 employee; or

1-24 (2) performing a service at the request of an
1-25 insurance carrier, injured employee, or injured employee's
1-26 representative.

1-27 SECTION 2. This Act takes effect immediately if it receives
1-28 a vote of two-thirds of all the members elected to each house, as
1-29 provided by Section 39, Article III, Texas Constitution. If this
1-30 Act does not receive the vote necessary for immediate effect, this
1-31 Act takes effect September 1, 2009.

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