

By: Madden

H.B. No. 2634

A BILL TO BE ENTITLED

AN ACT

relating to extending workers' compensation benefits for certain state employees.

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

SECTION 1. Subchapter C, Chapter 501, Labor Code, is amended by adding Section 501.0451 to read as follows:

Sec. 501.0451. ELECTION. (a) The office may elect to provide workers' compensation medical benefits to employees through a health care network certified under Chapter 1305, Insurance Code, if the office determines that provision of those benefits through a network is:

(1) available to the employees; and

(2) practical for the state.

(b) If the office determines that a workers' compensation health care network certified under Chapter 1305, Insurance Code, is not available or practical for the state, the office may provide medical benefits to employees:

(1) in the manner provided by Chapter 408, other than Sections 408.001(b) and (c) and 408.002, and by Subchapters B and C, Chapter 413; or

(2) by contracting with health care providers in a manner consistent with this section.

(c) If the office provides medical benefits in the manner authorized by Subsection (b)(2), the following provisions do not

1 apply:

2 (1) Sections 408.001 and 408.0041, unless use of a  
3 required medical examination or designated doctor is necessary to  
4 resolve an issue relating to the entitlement to or amount of income  
5 benefits under this title;

6 (2) Subchapter B, Chapter 408, except for Section  
7 408.021;

8 (3) Chapter 413, except for Section 413.042; and

9 (4) Chapter 1305, Insurance Code, except for  
10 Subchapter K.

11 (d) If the office provides medical benefits in the manner  
12 authorized by Subsection (b)(2), the following standards apply:

13 (1) the office must ensure that workers' compensation  
14 medical benefits are reasonably available to all covered employees  
15 within a service area;

16 (2) the office must ensure that all necessary health  
17 care services are provided in a manner that will ensure the  
18 availability of and accessibility to adequate health care  
19 providers, specialty care, and facilities;

20 (3) the office must have an internal review process  
21 for resolving complaints relating to the manner of providing  
22 medical benefits, including an appeal to the governing body or its  
23 designee and an appeal to an independent review organization;

24 (4) the office must establish reasonable procedures  
25 for the transition of injured workers to contract providers and for  
26 the continuity of treatment, including notice of impending  
27 termination of providers and a current list of contract providers;

1           (5) the office shall provide for emergency care if an  
2 injured worker cannot reasonably reach a contract provider and the  
3 care is for:

4                   (A) a medical screening or other evaluation that  
5 is necessary to determine whether a medical emergency condition  
6 exists;

7                   (B) necessary emergency care services, including  
8 treatment and stabilization; or

9                   (C) services originating in a hospital emergency  
10 facility following treatment or stabilization of an emergency  
11 medical condition;

12           (6) prospective or concurrent review of the medical  
13 necessity and appropriateness of health care services must comply  
14 with Chapter 4201, Insurance Code;

15           (7) the office shall continue to report data to the  
16 appropriate agency as required by this title and Chapter 1305,  
17 Insurance Code; and

18           (8) the office is subject to the requirements of  
19 Subchapter K, Chapter 1305, Insurance Code.

20           (e) The office has exclusive authority to provide health  
21 care services under this chapter to employees:

22                   (1) in the manner authorized by this section; or

23                   (2) by contracting with networks under Chapter 1305,  
24 Insurance Code.

25           (f) This chapter does not waive sovereign immunity or create  
26 a new cause of action.

27           SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2011.