

By: Van de Putte

S.B. No. 511

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), (f-3), and (f-4) 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.

(f-4) The commissioner by rule shall adopt guidelines prescribing the circumstances under which an examination by the employee's treating doctor or another doctor to whom the employee

1 is referred by the treating doctor to determine any issue under
2 Subsection (a), other than an examination under Subsection (f-2),
3 may be appropriate.

4 (h) The insurance carrier shall pay for:

5 (1) an examination required under Subsection (a), ~~or~~
6 (f), or (f-2), unless otherwise prohibited by this subtitle or by an
7 order or rule of the commissioner; and

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

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2011.