

1-1 By: Van de Putte S.B. No. 511
1-2 (In the Senate - Filed February 2, 2011; February 17, 2011,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 13, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 1; April 13, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 511 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), (f-3), and (f-4) and amending Subsection
1-15 (h) to read as follows:

1-16 (f-2) An employee required to be examined by a designated
1-17 doctor may request a medical examination to determine maximum
1-18 medical improvement and the employee's impairment rating from the
1-19 treating doctor or from another doctor to whom the employee is
1-20 referred by the treating doctor if:

1-21 (1) the designated doctor's opinion is the employee's
1-22 first evaluation of maximum medical improvement and impairment
1-23 rating; 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 (f-4) The commissioner by rule shall adopt guidelines
1-31 prescribing the circumstances under which an examination by the
1-32 employee's treating doctor or another doctor to whom the employee
1-33 is referred by the treating doctor to determine any issue under
1-34 Subsection (a), other than an examination under Subsection (f-2),
1-35 may be appropriate.

1-36 (h) The insurance carrier shall pay for:

1-37 (1) an examination required under Subsection (a), ~~or~~
1-38 (f), or (f-2), unless otherwise prohibited by this subtitle or by an
1-39 order or rule of the commissioner; and

1-40 (2) the reasonable expenses incident to the employee
1-41 in submitting to the examination.

1-42 SECTION 2. This Act takes effect immediately if it receives
1-43 a vote of two-thirds of all the members elected to each house, as
1-44 provided by Section 39, Article III, Texas Constitution. If this
1-45 Act does not receive the vote necessary for immediate effect, this
1-46 Act takes effect September 1, 2011.

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