

## BILL ANALYSIS

C.S.H.B. 2629  
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Business & Industry  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties contend that although the legislature created workers' compensation benefits for a particular class of injured employees who had incurred a certain percent permanent impairment, the division of workers' compensation of the Texas Department of Insurance has adopted a rating system that does not provide that percentage rating for lumbar spine injuries, effectively removing that class of injured employees from eligibility for those benefits. C.S.H.B. 2629 seeks to remedy this situation by requiring the use of a certain range of motion model to determine the existence and degree of impairment related to employee lumbar injuries.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.H.B. 2629 amends the Labor Code to require the division of workers' compensation of the Texas Department of Insurance to use the range of motion model in "Guides to the Evaluation of Permanent Impairment," Fourth Edition, dated June 1993, published by the American Medical Association, for determining the existence and degree of an employee's impairment related to a lumbar injury.

### EFFECTIVE DATE

September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2629 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 408.124, Labor Code, is amended by adding Subsection (d) to read as follows:

Sec. 408.124. **IMPAIRMENT RATING GUIDELINES.** (a) An award of an impairment income benefit, whether by the commissioner or a court, must be based on an impairment rating determined using the impairment rating guidelines described by

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 408.124, Labor Code, is amended by adding Subsection (d) to read as follows:

83R 26422

13.122.558

Substitute Document Number: 83R 22082

this section.

(b) For determining the existence and degree of an employee's impairment, the division shall use "Guides to the Evaluation of Permanent Impairment," third edition, second printing, dated February 1989, published by the American Medical Association.

(c) Notwithstanding Subsection (b), the commissioner by rule may adopt the fourth edition of the "Guides to the Evaluation of Permanent Impairment," published by the American Medical Association, or a subsequent edition of those guides, for determining the existence and degree of an employee's impairment.

(d) The Division shall use the range of motion model from the fourth edition of the "Guides to the Evaluation of Permanent Impairment" to determine impairment for all lumbar injuries rather than the injury or diagnosis-related estimates model regardless of the which edition of the Guides the Division adopts pursuant to subsection (b) or (c) of this section.

**No equivalent provision.**

SECTION 2. This Act takes effect September 1, 2013.

(d) Notwithstanding Subsections (b) and (c), for determining the existence and degree of an employee's impairment related to a lumbar injury, the division shall use the range of motion model in "Guides to the Evaluation of Permanent Impairment," Fourth Edition, dated June 1993, published by the American Medical Association.

SECTION 2. The change in law made by this Act applies only to an assignment of an impairment rating that is made on or after the effective date of this Act. An assignment that is made before the effective date of this Act is governed by the law in effect on the date the assignment was made, and the former law is continued in effect for that purpose.

SECTION 3. Same as introduced version.