

By: Raymond

H.B. No. 2660

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the content of certain expert witness reports exchanged
3 between or among parties in workers' compensation contested case
4 hearings.

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

6 SECTION 1. Section 410.160, Labor Code, is amended to read
7 as follows:

8 Sec. 410.160. EXCHANGE OF INFORMATION. (a) Within the time
9 prescribed by commissioner rule, the parties shall exchange:

10 (1) all medical reports and reports of expert
11 witnesses who will be called to testify at the hearing;

12 (2) all medical records;

13 (3) any witness statements;

14 (4) the identity and location of any witness known to
15 the parties to have knowledge of relevant facts; and

16 (5) all photographs or other documents that a party
17 intends to offer into evidence at the hearing.

18 (b) A report of an expert witness exchanged under Subsection
19 (a)(1) must include discoverable factual observations and
20 calculations made, tests conducted, supporting data evaluated,
21 photographs taken or examined, and opinions formed by the expert.
22 The report must also include any other basis of the opinions formed
23 by the expert.

24 SECTION 2. Section 410.161, Labor Code, is amended to read

1 as follows:

2 Sec. 410.161. FAILURE TO DISCLOSE INFORMATION OR EXCHANGE
3 REPORT. (a) A party who fails to disclose information known to the
4 party or documents that are in the party's possession, custody, or
5 control at the time disclosure is required by Sections
6 410.158-410.160 may not introduce the evidence at any subsequent
7 proceeding before the division or in court on the claim unless good
8 cause is shown for not having disclosed the information or
9 documents under those sections.

10 (b) A party may not, in a contested case hearing or any
11 subsequent proceeding before the division or in court on a claim,
12 call an expert to testify on a matter unless the party exchanged a
13 report of the expert witness under Section 410.160(b).

14 SECTION 3. The changes in law made by this Act to Sections
15 410.160 and 410.161, Labor Code, apply only to a claim for workers'
16 compensation benefits based on a compensable injury that occurs on
17 or after the effective date of this Act. A claim based on a
18 compensable injury that occurs before that date is governed by the
19 law in effect on the date the compensable injury occurred, and the
20 former law is continued in effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2013.