

By: Van de Putte

S.B. No. 1492

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the dispute by an insurer of a determination of specific
3 injuries and diagnoses in connection with a compensable injury in
4 certain workers' compensation claims.

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

6 SECTION 1. Section 408.0042, Labor Code, is amended by
7 amending Subsection (c) and adding Subsection (c-1) to read as
8 follows:

9 (c) After the medical examination is performed, the
10 treating doctor shall submit to the insurance carrier a report that
11 details all injuries and diagnoses related to the compensable
12 injury, on receipt of which the insurance carrier shall:

13 (1) accept all injuries and diagnoses as related to
14 the compensable injury; or

15 (2) dispute the determination of specific injuries and
16 diagnoses by requesting:

17 (A) an examination by a designated doctor under
18 Section 408.0041; or

19 (B) a benefit review conference under Section
20 410.023.

21 (c-1) If an insurance carrier does not dispute the
22 determination of specific injuries and diagnoses detailed in the
23 report submitted by the treating doctor under Subsection (c) on or
24 before the 90th day after the date the report is provided to the

1 insurance carrier, the insurance carrier waives its right to
2 dispute the determination, unless there is a finding of evidence
3 that could not reasonably have been discovered earlier.

4 SECTION 2. The change in law made by this Act applies only
5 to a medical examination by a treating doctor that occurs on or
6 after the effective date of this Act. A medical examination that
7 occurs before that date is governed by the law as it existed
8 immediately before the effective date of this Act, and the former
9 law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2013.