

By: Perry

S.B. No. 1876

A BILL TO BE ENTITLED

AN ACT

relating to disputes regarding the compensability of an injury by certain doctors under the Texas Workers' Compensation Act.

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

SECTION 1. Section 409.021, Labor Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(b-1) On request by an insurance carrier and at the insurance carrier's expense, an injured employee's treating doctor may provide to the insurance carrier notice of all medical conditions the doctor considers related to the employee's compensable injury and how the mechanism of the injury caused each condition. The commissioner shall adopt rules necessary to implement this subsection, including rules regarding the interval an insurance carrier must wait after receipt of a notice before the insurance carrier may request a second or subsequent notice regarding an injured employee.

(c) If an insurance carrier does not contest the compensability of an injury on or before the 60th day after the date on which the insurance carrier is notified of the injury, including by receipt of a notice under Subsection (b-1), the insurance carrier waives its right to contest compensability. The initiation of payments by an insurance carrier does not affect the right of the insurance carrier to continue to investigate or deny the

1 compensability of an injury during the 60-day period.

2 SECTION 2. Section 409.022(a), Labor Code, is amended to
3 read as follows:

4 (a) An insurance carrier's notice of refusal to pay benefits
5 under Section 409.021 must:

6 (1) specify the grounds for the refusal;

7 (2) describe the evidence the insurance carrier
8 reviewed in making the determination; and

9 (3) describe how the evidence substantiates that the
10 insurance carrier's refusal to pay benefits is reasonable.

11 SECTION 3. Section 408.0042, Labor Code, is repealed.

12 SECTION 4. As soon as practicable after the effective date
13 of this Act, the commissioner of workers' compensation shall adopt
14 rules necessary to implement Sections 409.021 and 409.022, Labor
15 Code, as amended by this Act.

16 SECTION 5. The change in law made by this Act applies only
17 to a claim for workers' compensation benefits based on a
18 compensable injury that occurs on or after the effective date of
19 this Act. A claim based on a compensable injury that occurs before
20 that date is governed by the law as it existed on the date the
21 compensable injury occurred, and the former law is continued in
22 effect for that purpose.

23 SECTION 6. This Act takes effect September 1, 2017.