

BILL ANALYSIS

H.B. 3042
By: Patterson
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2005, when major reforms to the state's workers' compensation system took place, the Texas Department of Insurance's Division of Workers' Compensation (DWC) was required to adopt medical treatment guidelines. In 2007, DWC responded to this change by adopting the Official Disability Guidelines (ODG), as they were the only guidelines available at the time. Now, however, the medical treatment guidelines market has expanded and the ODG is no longer the only option available for the state to use in workers' compensation cases. H.B. 3042 seeks to allow the commissioner of workers' compensation to choose which guidelines offer the best, most up-to-date treatment and provides for a one-time study to compare and evaluate available treatment guidelines and certain other workers' compensation guidelines, protocols, and formulary to determine whether any updates are needed.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 of this bill.

ANALYSIS

H.B. 3042 amends the Labor Code to authorize the commissioner of workers' compensation, by rule and at any time, to amend or replace the medical treatment guidelines, return-to-work guidelines, individual treatment protocols, or formulary for pharmaceutical services adopted for use under the Texas Workers' Compensation Act to ensure that the guidelines, protocols, and formulary are current and comply with applicable health care reimbursement requirements.

H.B. 3042 requires the commissioner, not later than July 1, 2022, to contract with an independent entity to conduct a comparative evaluation of the guidelines, protocols, and formulary and report the evaluation's findings to the commissioner. The bill requires the commissioner to ensure that the entity conducting the evaluation does not have a conflict of interest that would adversely impact their independence and impartiality, including any financial interest in a developer or publisher of any guideline considered in the evaluation, and prohibits the entity from participating in the development of any guideline considered in the evaluation. The bill requires the commissioner, based on the results of the evaluation, to determine whether the existing guidelines, protocols, or formulary should be amended.

EFFECTIVE DATE

September 1, 2021.