

By: Patterson, Shine, Ordaz Perez, Collier,  
et al.

H.B. No. 3042

A BILL TO BE ENTITLED

AN ACT

relating to the adoption and review of certain workers' compensation guidelines, protocols, and formulary.

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

SECTION 1. Section 413.011, Labor Code, is amended by adding Subsection (j) to read as follows:

(j) The commissioner by rule may at any time amend or replace the treatment guidelines, return-to-work guidelines, or individual treatment protocols adopted under Subsection (e) or the formulary adopted as described by Section 408.028(b) to ensure that the guidelines, protocols, and formulary are current and comply with the requirements of this section.

SECTION 2. (a) Not later than July 1, 2022, the commissioner of workers' compensation shall contract with an independent entity to conduct a comparative evaluation of the treatment guidelines, return-to-work guidelines, and individual treatment protocols adopted by the commissioner under Section 413.011(e), Labor Code, and the formulary adopted by the commissioner as described by Section 408.028(b), Labor Code, and report the findings of the evaluation to the commissioner.

(b) The commissioner of workers' compensation shall ensure that the entity conducting the evaluation under Subsection (a) of this section does not have a conflict of interest that would adversely impact the entity's independence and impartiality,

1 including any financial interest in a developer or publisher of any  
2 guideline considered in the evaluation. The entity conducting the  
3 evaluation may not participate in the development of any guideline  
4 considered in the evaluation.

5 (c) Based on the results of the comparative evaluation  
6 conducted under Subsection (a) of this section, the commissioner of  
7 workers' compensation shall determine whether the treatment  
8 guidelines, return-to-work guidelines, or individual treatment  
9 protocols adopted by the commissioner under Section [413.011\(e\)](#),  
10 Labor Code, or the formulary adopted by the commissioner as  
11 described by Section [408.028\(b\)](#), Labor Code, should be amended.

12 SECTION 3. This Act takes effect September 1, 2021.