

SUBJECT: Workers' compensation revisions

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Brimer, Rhodes, Corte, Elkins, Giddings, Janek, Solomons, Woolley
0 nays
1 absent — Dukes

WITNESSES: For — Joe Hanson, Texas Association of Business and Chambers of Commerce
Against — None

BACKGROUND : Under the Workers Compensation Act, the Texas Workers Compensation Commission may require an employee to submit to medical examinations to resolve questions about the appropriateness of the health care the employee is receiving, the impairment caused by the injury, the level of medical improvement the employee has reached, or other similar issues. In such cases, employees may be accompanied by the doctor of their choice. The insurance carrier must pay a fee set by the commission to the employee's doctor.

If a doctor chosen by a workers' compensation claimant makes a finding of impairment and that finding is contested, a designated doctor or doctor chosen by the insurance carrier must confirm the finding. The designated doctor is required to be in the same discipline as the employee's doctor and licensed by the same board of examiners.

DIGEST: CSHB 3196 would allow an employee to be accompanied by the employee's treating doctor, a doctor designated by the treating doctor, or a family member selected by the employee. The insurance carrier would be required to pay a set fee to the treating doctor or the doctor's designee.

The bill would require that, to the extent possible, a doctor designated to confirm a finding of impairment be of the same specialty, rather than in the same discipline, as the employee's doctor.

CSHB 3196 would require the Texas Workers Compensation Commission to develop standards for the including and removing doctors from its list of approved doctors by December 31, 1997, publish the standards by January 31, 1998, accept applications for inclusion on the list from March 1, 1998 to July 1, 1998, and notify doctors who have been denied inclusion by October 1, 1998. Doctors denied admission could submit a request for reconsideration within three weeks of the notification. The commission would be required to approve the list of doctors by 31, 1998.

CSHB 3196 also would specify that an employee is entitled to lifetime income benefits for injuries to the brain resulting in incurable insanity or imbecility, rather than injuries to the skull, as the law currently states.

CSHB 3196 would take effect September 1, 1997. Any claims for lifetime income benefits made before that date would be subject to prior law.

**SUPPORTERS
SAY:**

CSHB 3196 would help reduce misunderstanding and miscommunication between doctors and family members when the workers' compensation commission requires an employee to be examined by a different doctor. It would allow family members or another doctor designated by the doctor treating the claimant to be present at the examination.

The bill also would require that a doctor designated to confirm a finding of impairment be a specialist in the same area of medicine as the employee's doctor who made the initial finding. Allowing review by a doctor who is only in the same discipline is too broad and vague; if an orthopedist made the initial finding of impairment, then an orthopedist should, if possible, be designated to confirm the finding.

CSHB 3196 would require that the commission establish standards for including or removing doctors on the list of doctors approved to provide medical treatment to workers claiming benefits and that doctors meet these standards before they are included on the list. Current law has no such requirement; any licensed doctor is automatically on the approved list unless

subsequently removed. This change would require doctors to apply to be included on the list and meet certain minimum standards.

The change in the standard for lifetime income benefits from injury to the skull to injury to the brain is more precise and includes a broader range of injuries, such as electrocution, that can damage the brain but not the skull yet result in severe lifetime impairment.

OPPONENTS
SAY: No apparent opposition.

NOTES: The committee substitute changed the effective dates to conform to the provisions of the bill.