

**SUBJECT:** Specifying treatment options in TDI's notice to injured employees

**COMMITTEE:** Business and Industry — favorable, without amendment

**VOTE:** 6 ayes — Oliveira, Shine, Collier, Romero, Villalba, Workman  
0 nays  
1 absent — Stickland

**WITNESSES:** For — Kevin Kanz, Texas Chiropractic Association; (*Registered, but did not testify*: Todd Harrison and Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Jimmy Rodriguez, San Antonio Police Officers Association; Rene Lara, Texas AFL-CIO; BJ Avery, Texas Optometric Association; Dwight Harris, Texas AFT; Emily Timm, Workers Defense Action Fund; Glenn Scott)  
  
Against — (*Registered, but did not testify*: Jay Thompson, Afact; Fred Bosse, American Insurance Association)  
  
On — Jessica Barta, Office of Injured Employee Counsel; (*Registered, but did not testify*: Amy Lee, Texas Department of Insurance-Division of Workers' Compensation)

**BACKGROUND:** Labor Code, sec. 404.109 requires the public counsel of the Office of Injured Employee Counsel to adopt a notice of injured employee rights and responsibilities for distribution by the Texas Department of Insurance's Division of Workers' Compensation.  
  
Some observers suggest that although injured employees may choose from a variety of treating doctors, ambiguity in the current notice leads some to assume they are restricted to only a doctor of medicine. Some have called for changing the notice to clarify the scope of choices available to injured employees.

**DIGEST:** HB 3702 would require the public counsel of the Office of Injured

Employee Counsel to specify in the notice of injured employee rights and responsibilities that the employee had the right to choose a treating doctor who was licensed and authorized to practice, including a doctor of medicine, an osteopath, an optometrist, a dentist, a podiatrist, or a chiropractor.

The public counsel would adopt the amended notice by December 1, 2017.

The bill would take effect September 1, 2017.