

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 836  
By: Ellis  
Economic Development  
4-23-97  
Committee Report (Substituted)

### **DIGEST**

Currently, under workers' compensation law, an employee with a compensable injury can be required to submit to a medical examination only once in a 180-day period. These examinations can be requested by the insurance carrier or required by the Texas Workers' Compensation Commission (commission) to address questions of the reasonableness and necessity of treatment, and the employee's level of impairment and degree of medical improvement. Additional medical examinations may be needed when the employee's diagnosis is changed or if there is a significant change in the employee's condition. This bill would allow the commission to define, by rule, the circumstances that would merit more than one medical examination in a 180-day period.

### **PURPOSE**

As proposed, C.S.S.B. 836 authorizes the Texas Workers' Compensation Commission to adopt rules to require an employee covered under the Texas Workers' Compensation Act to submit to more than one medical examination in a 180-day period under specified circumstances.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Workers' Compensation Commission in SECTION 1 (Section 408.004(b), Labor Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 408.004(b), Labor Code, to provide that except as otherwise provided by this subsection, the insurance carrier is entitled to an examination of the employee only once in 180-day period. Authorizes the Texas Workers' Compensation Commission to adopt rules that require an employee to submit to more than one medical examination in a 180-day period under specified circumstances, including to determine whether there has been a change in the employee's condition, whether it is necessary to change the employee's diagnosis, and whether treatment should be extended to another body part or system. Requires the rules to establish a system for monitoring requests under this subsection.

SECTION 2. Amends Section 408.004, Labor Code, by adding a Subsection (g), to provide that an insurance carrier who unreasonably requests a medical examination under Subsection (b) commits a Class B administrative violation.

SECTION 3. Effective date: September 1, 1997.  
Makes application of this Act prospective.

SECTION 4. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

#### SECTION 1.

Amends Section 408.004(b), Labor Code, by requiring the rules to establish a system for monitoring requests under Subsection (b).

SECTION 2.

Amends Section 408.004, Labor Code, to add Subsection (g).

SECTION 3.

Adds an effective date of September 1, 1997, and makes application of this Act prospective.

SECTION 4.

Previously designated as SECTION 2, sets forth the emergency clause and an effective date.