

## **BILL ANALYSIS**

Senate Research Center  
77R13497 KSD-D

C.S.S.B. 851  
By: Duncan  
Business & Commerce  
4/21/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, the Texas Workers' Compensation Commission (commission) is overseen by a six-member governing body and an executive director, whose primary responsibility is to carry out the daily operations of the commission. The make-up of the commission governing body sets up an evenly split board, which can create an adversarial situation making adoption of rules and policy decisions a lengthy and difficult process. C.S.S.B. 851 abolishes the governing body of the commission and the executive director's position and replaces it with a single commissioner structure. Qualifications for the new commissioner are set forth and the bill establishes that the position be filled by gubernatorial appointment.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 2.008 (Section 402.061, Labor Code), SECTION 2.018 (Section 402.071, Labor Code), SECTION 2.020 (Section 402.073, Labor Code), SECTION 3.006 (Section 401.024, Labor Code), SECTION 3.024 (Section 406.005, Labor Code), SECTION 3.025 (Section 406.006, Labor Code), SECTION 3.028 (Section 406.009, Labor Code), SECTION 3.029 (Section 406.010, Labor Code), SECTION 3.030 (Section 406.011, Labor Code), SECTION 3.035 (Section 406.093, Labor Code) SECTION 30.36 (Section 406.095, Labor Code), SECTION 3.051 (Section 407.061, Labor Code), SECTION 3.068 (Section 408.004, Labor Code), SECTION 3.073 (Section 408.025, Labor Code), SECTION 3.074 (Section 408.026, Labor Code), SECTION 3.081 (Section 408.063, Labor Code), SECTION 3.082 (Section 408.081, Labor Code), SECTION 3.086 (Section 408.102, Labor Code), SECTION 3.088 (Section 408.104, Labor Code), SECTION 3.089 (Section 408.122, Labor Code), SECTION 3.091 (Section 408.124, Labor Code), SECTION 3.093 (Section 408.127, Labor Code), SECTION 3.103 (Section 408.181, Labor Code), SECTION 3.108 (Section 408.221, Labor Code), SECTION 3.113 (Section 409.005, Labor Code), SECTION 3.114 (Section 409.006, Labor Code), SECTION 3.119 (Section 409.012, Labor Code), SECTION 3.124 (Section 409.0231, Labor Code), SECTION 3.127 (Section 409.042, Labor Code), SECTION 3.136 (Section 410.024, Labor Code), SECTION 3.137 (Section 410.025, Labor Code), SECTION 3.139 (Section 410.027, Labor Code), SECTION 3.141 (Section 410.034, Labor Code), SECTION 3.150 (Section 410.111, Labor Code), SECTION 3.159 (Section 410.157, Labor Code), SECTION 3.161 (Section 410.159, Labor Code), SECTION 3.164 (Section 410.168, Labor Code), SECTION 3.165 (Section 410.203, Labor Code), SECTION 3.170 (Section 410.209, Labor Code), SECTION 3.183 (Section 411.032, Labor Code), SECTION 3.185 (Section 411.0415, Labor Code), SECTION 3.186 (Section 411.042, Labor Code), SECTION 3.192 (Section 411.062, Labor Code), SECTION 3.198 (Section 411.092, Labor Code), SECTION 3.213 (Section 413.011, Labor Code), SECTION 3.214 (Section 413.013, Labor Code), SECTION 3.215 (Section 413.014, Labor Code), SECTION 3.216 (Section 413.015, Labor Code), SECTION 3.219 (Section 413.018, Labor Code), SECTION 3.220 (Section 413.020, Labor Code), SECTION 3.225 (Section 413.052, Labor Code), SECTION 3.226 (Section 413.053, Labor Code), SECTION 3.228 (Section 413.055, Labor Code), SECTION 3.240 (Section 415.023, Labor Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Workers' Compensation in SECTION 3.028 (Section 406.009, Labor Code) of this bill.

## **SECTION BY SECTION ANALYSIS**

### **ARTICLE 1. ORGANIZATION OF DEPARTMENT**

SECTION 1.001. Amends Chapter 402A, Labor Code, as follows:

Sec. 402.001. New heading: DUTIES OF DEPARTMENT. Requires the Texas Department of Workers' Compensation (department), in addition to its other required duties, to perform certain actions.

Sec. 402.002. New heading: COMPOSITION OF DEPARTMENT. Provides that the department is composed of the commissioner and other officers and employees required to efficiently implement certain items.

Sec. 402.003. New heading: CHIEF EXECUTIVE. Provides that the commissioner is the department's chief executive and administrative officer. Requires the commissioner to administer and enforce certain laws. Provides that the commissioner has certain powers and duties. Authorizes the commissioner to take certain actions. Provides that the commissioner is the agent for service of process on out-of-state employers.

Sec. 402.004. New heading: APPOINTMENT; TERM. Requires the governor, with the advise and consent of the senate, to appoint the commissioner and provides the term of the commissioner. Requires the governor to appoint the commissioner without regard to certain characteristics of the appointee.

Sec. 402.005. New heading: QUALIFICATIONS. Sets forth certain qualification requirements for the commissioner. Provides that a person who is a former member or former executive director of the Texas Worker's Compensation Commission (commission) is not eligible for appointment as commissioner under Section 402.004.

Sec. 402.006. New heading: INELIGIBILITY FOR PUBLIC OFFICE. Provides that the commissioner is ineligible to be a candidate for a public elective office in this state unless the commissioner has resigned and the governor has accepted the resignation.

Sec. 402.007. New heading: BOND. Provides that the commissioner, before taking office, must execute with a certain surety company a bond for \$50,000 payable to this state and conditioned on the faithful discharge of the commissioner's duties.

Sec. 402.008. New heading: COMPENSATION. Provides that the commissioner is entitled to compensation as provided by the General Appropriations Act.

Deletes existing text relating to membership requirements, training program for commission members, and terms and vacancies.

Sec. 402.009. Redesignates Section 402.003. Prohibits a person from serving as commissioner, rather than a member of the commission, or act as general counsel to the department, rather than the commission, if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession that is regulated by or that has fees regulated by the department, rather than the commission.

Deletes existing text relating to voting requirements.

Sec. 402.010. New heading: GROUNDS FOR REMOVAL. Redesignates Section 402.005. Sets forth the grounds for removal from office of the commissioner, rather than a member of the

commission. Deletes existing text relating to removal of commission members. Provides that an action of the commissioner or the department, rather than the commission, is not affected by the fact that it is taken when a ground for removal of the commissioner, rather than a commission member, exists. Deletes existing text relating to required actions of the executive director of the commission. Makes conforming changes.

Sec. 402.011. Redesignates Section 402.006. Makes conforming changes.

Deletes existing text relating to meetings, chairman of the commission, and a leave of absence.

Sec. 402.012. New heading: CIVIL LIABILITY OF THE COMMISSIONER.  
Redesignates existing Section 402.010. Makes conforming changes.

Deletes existing text relating to reimbursement.

Sec. 402.013. Redesignates Section 402.012. Prohibits a person who is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group A17, rather than salary group 17, from holding certain positions. Makes conforming changes.

SECTION 1.002. Amends Chapter 402C, Labor Code, as follows:

SUBCHAPTER C. New heading: DEPARTMENT PERSONNEL

Sec. 402.041. New heading: APPOINTMENTS. Requires the commissioner, subject to the General Appropriations Act or other law, to appoint certain personnel as necessary to carry out certain powers and duties under this subtitle and certain other laws. Provides that a person appointed under this section must have professional, administrative, and worker's compensation experience necessary to qualify the person for the position to which the person is appointed. Provides that a person appointed as an associate or deputy commissioner or to hold an equivalent position must have at least five years of the experience required for appointment as commissioner under Section 402.005. Provides that at least two years of that experience must be in work related to the position to be held.

Sec. 402.042. New heading: DIVISION OF RESPONSIBILITIES. Requires the commissioner to develop and implement policies that clearly define the respective responsibilities of the commissioner and the staff of the department.

Deletes existing text relating to the executive director of the commission, the general powers and duties of the executive director, and administrative assistants.

Sec. 402.043. Redesignates Section 402.044. Requires the commissioner, rather than the executive director, to develop an intra-agency career ladder program that addresses opportunities for mobility and advancement for employees within the department, rather than the commission. Makes conforming changes.

Sec. 402.044. Redesignates Section 402.045. Makes conforming changes.

ARTICLE 2. CONFORMING AMENDMENTS WITHIN CHAPTER 402, LABOR CODE

SECTION 2.001. Amends the heading to Chapter 402, Labor Code, as follows:

CHAPTER 402. New heading: TEXAS DEPARTMENT OF WORKER'S COMPENSATION

SECTION 2.002. Amends Section 402.021, Labor Code, as follows:

Sec. 402.021. New heading: DEPARTMENT DIVISIONS. Authorizes the commissioner, rather than the executive director with the approval of the commission, to establish certain divisions in addition to the divisions listed in this section. Authorizes the commissioner to allocate and reallocate functions among those divisions and those established under Subsection (a). Makes conforming changes.

SECTION 2.003. Amends Section 402.022, Labor Code, to require the department, rather than the executive director, to prepare information of public interest describing the functions of the department, rather than the commission, and the procedures by which complaints are filed with and resolved by the department.

SECTION 2.004. Amends Section 402.023, Labor Code, to make conforming changes.

SECTION 2.005. Amends Section 402.024, Labor Code, to make conforming changes.

SECTION 2.006. Amends Section 402.025, Labor Code, to make a conforming change.

SECTION 2.007. Amends the heading to Chapter 402D, Labor Code, as follows:

#### SUBCHAPTER D. GENERAL POWERS AND DUTIES OF DEPARTMENT

SECTION 2.008. Amends Section 402.061, Labor Code, to require the commissioner, rather than the commission, to adopt rules as necessary for the implementation of this subtitle.

SECTION 2.009. Amends Section 402.062, Labor Code, to make conforming changes.

SECTION 2.010. Amends Section 402.064, Labor Code, to make conforming changes.

SECTION 2.011. Amends Section 402.065, Labor Code, to make conforming changes.

SECTION 2.012. Amends Section 402.066, Labor Code, to make conforming changes.

SECTION 2.013. Amends Section 402.0665, Labor Code, to make conforming changes.

SECTION 2.014. Amends Section 402.067, Labor Code, to make conforming changes.

SECTION 2.015. Amends Section 402.068, Labor Code, to make a conforming change.

SECTION 2.016. Amends Section 402.069, Labor Code, to require the commissioner or the commissioner's designee, rather than the executive director, to provide to department employees, rather than to members of the commission and commission employees, certain information. Deletes existing text relating to state officers.

SECTION 2.017. Amends Section 402.070(a), Labor Code, to make conforming changes.

SECTION 2.018. Amends Section 402.071(a), Labor Code, to require the commissioner, rather than the commission, to establish qualifications for a representative and adopt rules establishing procedures for authorization of representatives.

SECTION 2.019. Amends Section 402.072, Labor Code, to make conforming changes

SECTION 2.020. Amends Sections 402.073(a) and (c), Labor Code, to require the commissioner, rather than the commission, to adopt, by rule, a memorandum of understanding governing certain administrative procedure law hearings. Makes conforming changes.

SECTION 2.021. Amends Section 402.081, Labor Code, as follows:

Sec. 402.081. New heading: DEPARTMENT RECORDS. Makes conforming changes.

SECTION 2.022. Amends Section 402.082, Labor Code, as follows:

Sec. 402.082. New heading: INJURY INFORMATION MAINTAINED BY DEPARTMENT. Makes a conforming change.

SECTION 2.023. Amends Section 402.083(a), Labor Code, to make a conforming change.

SECTION 2.024. Amends Section 402.084(a), Labor Code, to make conforming changes.

SECTION 2.025. Amends Section 402.085, Labor Code, to authorize the department, rather than the commission, to release information on a claim to a governmental agency, political subdivision, or regulatory body to use to assess financial resources in an action, including an administrative action, to cooperate with another state in an action authorized under Chapter 231, Family Code, rather than Chapter 76, Human Resources Code. Makes conforming changes.

SECTION 2.026. Amends Sections 402.088(a), (b), and (d), Labor Code, to make conforming changes.

SECTION 2.027. Amends Section 402.089(a), Labor Code, to make a conforming change.

SECTION 2.028. Amends Section 402.090, Labor Code, to make a conforming change.

SECTION 2.029. Amends Section 402.091(a), Labor Code, to make a conforming change.

SECTION 2.030. Amends Sections 402.092(a), (b), (d), (e), and (f), Labor Code, to authorize information maintained in the investigation files of the department to be disclosed in a hearing conducted by the State Office of Administrative Hearings under this subtitle. Makes conforming changes.

### ARTICLE 3. GENERAL CONFORMING AMENDMENTS

SECTION 3.001. Amends Section 91.003(b), Labor Code, to require the Texas Department of Worker's Compensation, rather than the Texas Worker's Compensation Commission, to assist in the implementation of this chapter and to provide information to the Texas Department of Licensing and Regulation.

SECTION 3.002. Amends Section 401.002, Labor Code, to make conforming changes.

SECTION 3.003. Amends Section 401.011, Labor Code, to define "commissioner." Deletes existing text relating to the definition of "commission." Redefines "designated doctor," "representative," and "sanction" to make conforming changes. Defines "department."

SECTION 3.004. Amends Section 401.021, Labor Code, to make conforming changes.

SECTION 3.005. Amends Section 401.023(b), Labor Code, to make a conforming change.

SECTION 3.006. Amends Sections 401.024(b), (c), and (d), Labor Code, to authorize the commissioner, rather than the commission, by rule to permit or require the use of an electronic transmission of specified information instead of the specified form, manner, or procedure, notwithstanding another provision of this subtitle that specifies the form, manner, or procedure of the transmission. Provides that if the electronic transmission of information is not authorized or permitted by rule, rather than by commission rule, the transmission of that information is governed by any

applicable statute or rule that prescribes the form, manner, or procedure for the transmission, including standards adopted by the Department of Information Resources. Makes conforming changes.

SECTION 3.007. Amends Chapter 401C, Labor Code, by adding Section 401.025, as follows:

Section 401.025. REFERENCES TO COMMISSION AND EXECUTIVE DIRECTOR.  
Provides that a reference in this code or other law to the commission or the executive director of the commission means the department or commissioner as consistent with the respective duties of the commissioner and the department under this subtitle and other worker's compensation laws of this state.

SECTION 3.008. Amends the heading to Section 403.001, Labor Code, as follows:

Sec. 403.001. DEPARTMENT FUNDS.

SECTION 3.009. Amends Sections 403.001(a) and (b), Labor Code, to make conforming changes.

SECTION 3.010. Amends Section 403.003, Labor Code, to make conforming changes.

SECTION 3.011. Amends Section 403.004, Labor Code, to make a conforming change.

SECTION 3.012. Amends Section 403.005, Labor Code, to make conforming changes.

SECTION 3.013. Amends Section 403.006(c), Labor Code, to make a conforming change.

SECTION 3.014. Amends Section 403.007, Labor Code, to make conforming changes.

SECTION 3.015. Amends Section 404.002(a), Labor Code, to make a conforming change.

SECTION 3.016. Amends Section 404.003(b), Labor Code, to make a conforming change.

SECTION 3.017. Amends Sections 404.004(a) and (d), Labor Code, to provide that the Research and Oversight Council on Workers' Compensation (council) is governed by a board of directors (board), which is composed of certain individuals as well as the commissioner or a person designated by the commissioner and a member of the risk management board of the State Office of Risk Management, appointed by the risk management board. Deletes existing text relating to a member of the commission serving on the board of directors. Prohibits certain individuals from being an employee of the council who is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group A17, rather than salary group 17, of the position classification salary schedule.

SECTION 3.018. Amends Section 404.0041, Labor Code, to make a conforming change.

SECTION 3.019. Amends Sections 404.007(a) and (d), Labor Code, to require the board to review specific recommendations for legislation relating to this subtitle, rather than to the Texas Worker's Compensation Act, formally proposed by an entity listed in this section. Makes conforming changes.

SECTION 3.020. Amends Section 404.008(c), Labor Code, to make conforming changes.

SECTION 3.021. Amends Section 404.010(a), Labor Code, to make a conforming change.

SECTION 3.022. Amends the heading to Section 406.004, Labor Code, as follows:

Sec. 406.004. EMPLOYER NOTICE TO DEPARTMENT; ADMINISTRATIVE VIOLATION.

SECTION 3.023. Amends Sections 406.004(a), (b), (c), and (d), Labor Code, to make conforming changes.

SECTION 3.024. Amends Section 406.005(c), Labor Code, to authorize the commissioner, rather than the commission, to adopt rules relating to the form and content of a specific notice.

SECTION 3.025. Amends Sections 406.006(a), (b), and (c), Labor Code, to authorize the commissioner, rather than the commission, to adopt rules that establish the coverage and claim administration contact information required under this subsection. Makes conforming changes.

(b) Makes a conforming change.

(c) Makes a conforming change.

SECTION 3.026. Amends Sections 406.007(a), (b), and (c), Labor Code, to make conforming changes.

SECTION 3.027. Amends Section 406.008, Labor Code, to make conforming changes.

SECTION 3.028. Amends Sections 406.009(a), (b), (c), and (d), Labor Code, to make a conforming change.

(b) Authorizes the commissioner, rather than the commission, to adopt rules necessary to enforce this subchapter.

(c) Authorizes the department, rather than the commission, to designate a data collection agent, implement an electronic reporting and public information access program, and adopt rules necessary to implement the data collection requirements of this subchapter. Authorizes the commissioner, rather than the executive director, to establish the form, manner, and procedure for the transmission of information to the department, rather than the commission, as authorized by Section 402.042(b)(11).

(d) Makes a conforming change.

SECTION 3.029. Amends Section 406.010(c), Labor Code to require the commissioner, rather than the commission, to further specify the requirements of this section by rule.

SECTION 3.030. Amends Section 406.011(a), Labor Code, to authorize the commissioner, rather than the commission, to require, by rule, an insurance carrier to designate a representative in Austin to act as the insurance carrier's agent before the department, rather than the commission, in Austin.

SECTION 3.031. Amends Section 406.012, Labor Code, to make a conforming change.

SECTION 3.032. Amends Section 406.051(c), Labor Code, to make a conforming change.

SECTION 3.033. Amends Section 406.073(b), Labor Code, to make a conforming change.

SECTION 3.034. Amends Sections 406.074(a) and (b), Labor Code, to make conforming changes.

SECTION 3.035. Amends Section 406.093(b), Labor Code, to require the commissioner, rather than the commission, to adopt, by rule, procedures relating to the method of payment of benefits to legally incompetent employees.

SECTION 3.036. Amends Section 406.095(b), Labor Code, to require the commissioner, rather than the commission, to establish, by rule, the procedures and requirements for an election under this

section.

SECTION 3.037. Amends Sections 406.144(c) and (d), Labor Code, to make conforming changes.

SECTION 3.038. Amends Sections 406.145(a), (b), (c), (d), and (f), Labor Code, to make conforming changes.

SECTION 3.039. Amends Section 406.162(b), Labor Code, to make conforming changes.

SECTION 3.040. Amends Section 407.001(3), Labor Code, to make a conforming change.

SECTION 3.041. Amends Section 407.021, Labor Code, to make a conforming change.

SECTION 3.042. Amends Section 407.022, Labor Code, to make conforming changes.

SECTION 3.043. Amends Section 407.023, Labor Code, as follows:

Sec. 407.023. New heading: EXCLUSIVE POWERS AND DUTIES OF COMMISSIONER. Requires the commissioner, rather than the commission by majority vote, to perform certain duties. Makes a conforming change.

SECTION 3.044. Amends Sections 407.041(a), (b), and (c), Labor Code, to make conforming changes.

SECTION 3.045. Amends Section 407.042, Labor Code, to make a conforming change.

SECTION 3.046. Amends Section 407.043, Labor Code, to make conforming changes.

SECTION 3.047. Amends Section 407.044(a), Labor Code, to make a conforming change.

SECTION 3.048. Amends Section 407.045, Labor Code, to make conforming changes.

SECTION 3.049. Amends Sections 407.046(a), (b), and (d), Labor Code, to make conforming changes.

SECTION 3.050. Amends Section 407.047(b), Labor Code, to make conforming changes.

SECTION 3.051. Amends Sections 407.061(a), (c), (e), and (f), Labor Code, to require the commissioner, rather than the commission, to adopt rules for the requirements for the financial statements required by this section. Makes conforming changes.

SECTION 3.052. Amends Section 407.062, Labor Code, to make conforming changes.

SECTION 3.053. Amends Section 407.063(a), Labor Code, to make a conforming change.

SECTION 3.054. Amends Section 407.064(b), Labor Code, to make a conforming change.

SECTION 3.055. Amends Sections 407.081(a), (b), (c), (d), (f), and (g), Labor Code, to make conforming changes.

SECTION 3.056. Amends Sections 407.082(a), (c), and (d), Labor Code, to make conforming changes.

SECTION 3.057. Amends Section 407.101(b), Labor Code, to make a conforming change.



SECTION 3.058. Amends Section 407.102, Labor Code, to make conforming changes.

SECTION 3.059. Amends Sections 407.103(a) and (d), Labor Code, to make conforming changes.

SECTION 3.060. Amends Sections 407.104(b), (c), and (e), Labor Code, to make conforming changes.

SECTION 3.061. Amends Sections 407.122(b) and (c), Labor Code, to provide that the board of directors of the Texas Certified Self-Insurer Guaranty Association (board) consists of the following voting members:

- three certified self-insurers;
- the commissioner, rather than one commission member representing wage earners; and
- the public counsel of the office of public insurance counsel;

Deletes existing text relating to one commission member representing employers being a voting member of the board. Deletes existing text relating to the executive director of the commission being a nonvoting member of the board.

SECTION 3.062. Amends Section 407.123(b), Labor Code, to make a conforming change.

SECTION 3.063. Amends Section 407.124(a) and (c), Labor Code, to make conforming changes.

SECTION 3.064. Amends Section 407.126(d), Labor Code, to make a conforming change.

SECTION 3.065. Amends Section 407.127(a), Labor Code, to make a conforming change.

SECTION 3.066. Amends Section 407.133(a), Labor Code, to authorize the commissioner, rather than the commission after notice and hearing and by majority vote, to suspend or revoke a certain certificate of authority to self-insure.

SECTION 3.067. Amends Section 408.003(c), Labor Code, to make conforming changes.

SECTION 3.068. Amends Sections 408.004(a), (b), (d), (e), and (f), Labor Code, to make a conforming change.

(b) Authorizes the commissioner, rather than the commission, to adopt rules that require an employee to submit to not more than three medical examinations in a 180-day period under specified circumstances. Requires the commissioner, rather than the commission, to adopt, by rule, a system for monitoring requests made under this subsection by insurance carriers. Makes a conforming change.

(d) Makes a conforming change.

(e) Requires the commissioner, rather than the commission, to ensure, by rule, that an employee receives reasonable notice of an examination and of the insurance carrier's basis for suspension of payment, and that the employee is provided a reasonable opportunity to reschedule an examination missed by the employee for good cause. Makes conforming changes.

(f) Requires the commissioner, rather than the commission, to adopt rules as necessary to this subsection. Makes conforming changes.

SECTION 3.069. Amends Section 408.005(e), Labor Code, to make a conforming change.

SECTION 3.070. Amends Sections 408.022(a), (b), and (c), Labor Code, to make conforming changes.

SECTION 3.071. Amends Section 408.023, Labor Code, to make conforming changes.

SECTION 3.072. Amends Section 408.024, Labor Code, to make a conforming change.

SECTION 3.073. Amends Sections 408.025(a), (b), and (d), Labor Code, to require the commissioner, rather than the commission, to adopt, by rule, requirements for certain reports and records. Makes a conforming change.

(b) Requires the commissioner, rather than the commission, to adopt, by rule, requirements for certain reports and records.

(d) Makes a conforming change.

SECTION 3.074. Amends Section 408.026, Labor Code, to require the commissioner, rather than the commission, to adopt rules necessary to ensure that an examination required under this section is performed without undue delay. Makes conforming changes.

SECTION 3.075. Amends Section 408.027(d), Labor Code, to make a conforming change.

SECTION 3.076. Amends Section 408.041(c), Labor Code, to make conforming changes.

SECTION 3.077. Amends Section 408.043(c), Labor Code, to make conforming changes.

SECTION 3.078. Amends Section 408.045, Labor Code, to make a conforming change.

SECTION 3.079. Amends Section 408.061(f), Labor Code, to make a conforming change.

SECTION 3.080. Amends Section 408.062(b), Labor Code, to make a conforming change.

SECTION 3.081. Amends Section 408.063(a), Labor Code, to authorize the commissioner, rather than the commission, in order to expedite the payment of income benefits, to establish, by rule, reasonable presumptions relating to the wages earned by an employee, including the presumption that an employee's last paycheck accurately reflects the employee's usual wage.

SECTION 3.082. Amends Sections 408.081(b) and (c), Labor Code, to require the commissioner, rather than the commission, to establish, by rule, requirements for agreements under which income benefits may be paid monthly. Makes conforming changes.

SECTION 3.083. Amends Section 408.084(a) and (b), Labor Code, to make conforming changes.

SECTION 3.084. Amends Section 408.085, Labor Code, to make conforming changes.

SECTION 3.085. Amends Section 408.086, Labor Code, as follows:

Sec. 408.086. New heading: DEPARTMENT DETERMINATION OF EXTENDED UNEMPLOYMENT OR UNDEREMPLOYMENT. Makes conforming changes.

SECTION 3.086. Amends Section 408.102(b), Labor Code, to require the commissioner, rather than the commission, to establish, by rule, a presumption that maximum medical improvement has been reached based on the lack of medical improvement in the employee's condition.

SECTION 3.087. Amends Section 408.103(b), Labor Code, to provide that it is assumed that the

employee's actual earnings for the previous year are equal to the sum of the employee's wages as reported in the most recent four quarterly wage reports to the Texas Workforce Commission, rather than Texas Employment Commission, divided by 52. Makes conforming changes.

SECTION 3.088. Amends Sections 408.104(a) and (c), Labor Code, to require the commissioner, rather than the commission, to adopt rules to implement this section, including rules establishing procedures for requesting and disputing an extension. Makes conforming changes.

SECTION 3.089. Amends Sections 408.122(b) and (c), Labor Code, to require the department to develop qualification standards and administrative policies to implement this subsection. Authorizes the commissioner, rather than the commission, to adopt rules as necessary. Makes conforming changes.

SECTION 3.090. Amends Sections 408.123(b) and (c), Labor Code, to make conforming changes.

SECTION 3.091. Amends Section 408.124, Labor Code, to authorize the commissioner, rather than the commission, notwithstanding certain parts of this section, to adopt, by rule, the fourth edition of the "Guides to the Evaluation of Permanent Impairment," published by the American Medical Association, for determining the existence and degree of an employee's impairment. Makes conforming changes.

SECTION 3.092. Amends Sections 408.125(a), (b), (c), (d), (e), and (f), Labor Code, to make conforming changes.

SECTION 3.093. Amends Section 408.127(c), Labor Code, to require the commissioner, rather than the commission, to adopt rules and forms to ensure the full reporting and accuracy of reductions and reimbursements made under this section.

SECTION 3.094. Amends Sections 408.129(a), (b), and (d), Labor Code, to make conforming changes.

SECTION 3.095. Amends Section 408.141, Labor Code, to make a conforming change.

SECTION 3.096. Amends Sections 408.143(a) and (b), Labor Code, to make conforming changes.

SECTION 3.097. Amends Section 408.147(c), Labor Code, to make a conforming change.

SECTION 3.098. Amends Section 408.148, Labor Code, to make conforming changes.

SECTION 3.099. Amends Section 408.149, Labor Code, to make conforming changes.

SECTION 3.100. Amends Section 408.150(a), Labor Code, to make conforming changes.

SECTION 3.101. Amends Sections 408.151(b) and (c), Labor Code, to make conforming changes.

SECTION 3.102. Amends Section 408.161(d), Labor Code, to make a conforming change.

SECTION 3.103. Amends Sections 408.181(c) and (d), Labor Code, to require the commissioner, rather than the commission, to establish, by rule, requirements for agreements under which death benefits may be paid monthly. Makes conforming changes.

SECTION 3.104. Amends Section 408.182(f), Labor Code, to redefine "eligible spouse" to make a conforming change.

SECTION 3.105. Amends Section 408.183(b), Labor Code, to make a conforming change.

SECTION 3.106. Amends Section 408.187(c), Labor Code, to make a conforming change.

SECTION 3.107. Amends Section 408.202, Labor Code, to make a conforming change.

SECTION 3.108. Amends Sections 408.221(a)-(f), Labor Code, to make conforming changes.

(b) Makes a conforming change.

(c) Makes a conforming change.

(d) Authorizes the commissioner, rather than the commission, by rule to provide for the commutation of an attorney's fee, except that the attorney's fee shall be paid in periodic payments in a claim involving death benefits if the only dispute is as to the proper beneficiary or beneficiaries. Makes conforming changes.

(e) Requires the commissioner, rather than the commission, to provide, by rule, guidelines for maximum attorney's fees for specific services in accordance with this section.

(f) Makes a conforming change.

SECTION 3.109. Amends Section 408.222, Labor Code, to make conforming changes.

SECTION 3.110. Amends Section 409.002, Labor Code, to make a conforming change.

SECTION 3.111. Amends Section 409.003, Labor Code, to make a conforming change.

SECTION 3.112. Amends Section 409.004, Labor Code, to make a conforming change.

SECTION 3.113. Amends Sections 409.005(d), (e), (f), (h), and (i), Labor Code, to authorize the commissioner, rather than the commission, to adopt rules relating to certain information, development, and implementation. Makes conforming changes.

SECTION 3.114. Amends Sections 409.006(b) and (c), Labor Code, to authorize the commissioner, rather than the commission, to adopt rules relating to the information that must be contained in an employer record under this section. Makes conforming changes.

SECTION 3.115. Amends Section 409.007(a), Labor Code, to make a conforming change.

SECTION 3.116. Amends Section 409.009, Labor Code, to make a conforming change.

SECTION 3.117. Amends Section 409.010, Labor Code, to make conforming changes.

SECTION 3.118. Amends Sections 409.011(a) and (c), Labor Code, to make conforming changes.

SECTION 3.119. Amends Section 409.012, Labor Code, to authorize the commissioner, rather than the commission, to require, by rule, that a private provider of vocational rehabilitation services maintain certain credentials and qualifications in order to provide services in connection with a worker's compensation insurance claim. Makes conforming changes.

SECTION 3.120. Amends Section 409.013, Labor Code, to make conforming changes.

SECTION 3.121. Amends Sections 409.021(a) and (b), Labor Code, to make conforming changes.

SECTION 3.122. Amends Section 409.022(c), Labor Code, to make a conforming change.

SECTION 3.123. Amends Section 409.023(a), Labor Code, to make a conforming change.

SECTION 3.124. Amends Section 409.0231(b), Labor Code, to require the commissioner, rather than the commission, to adopt rules in consultation with the Texas Department of Information Resources as necessary to implement this section, including rules prescribing a period of benefits that is of sufficient duration to allow payment by electronic funds transfer.

SECTION 3.125. Amends Section 409.024, Labor Code, to make conforming changes.

SECTION 3.126. Amends Section 409.041(a), Labor Code, to make a conforming change.

SECTION 3.127. Amends Sections 409.042(a) and (c), Labor Code, to require the commissioner, rather than the commission, to adopt, by rule, training guidelines and continuing education requirements for ombudsmen. Makes a conforming change.

SECTION 3.128. Amends Section 409.043(a), Labor Code, to make a conforming change.

SECTION 3.129. Amends Section 409.044, Labor Code, to make a conforming change.

SECTION 3.130. Amends Section 410.002, Labor Code, to make a conforming change.

SECTION 3.131. Amends Section 410.004, Labor Code, to make a conforming change.

SECTION 3.132. Amends Section 410.005(a), Labor Code, to make a conforming change.

SECTION 3.133. Amends Section 410.021, Labor Code, to make a conforming change.

SECTION 3.134. Amends Sections 410.022(b) and (c), Labor Code, to make conforming changes.

SECTION 3.135. Amends Section 410.023, Labor Code, to make a conforming change.

SECTION 3.136. Amends Section 410.024, Labor Code, to require the commissioner, rather than the commission, by rule to adopt guidelines relating to claims that do not require a benefit review conference and may proceed directly to a contested case hearing or arbitration. Makes a conforming change.

SECTION 3.137. Amends Section 410.025, Labor Code, to require the commissioner, rather than the commission, to prescribe, by rule, the time within which a benefit review conference must be scheduled.

(b) Makes a conforming change.

(c) Makes a conforming change.

(d) Requires the commissioner, rather than the commission, to provide, by rule, for expedited proceedings in cases in which compensability or liability for essential medical treatment is in dispute.

SECTION 3.138. Amends Section 410.026(a), Labor Code, to make a conforming change.

SECTION 3.139. Amends Section 410.027(a), Labor Code, to require the commissioner, rather than the commission, to adopt rules for conducting benefit review conferences.

SECTION 3.140. Amends Section 410.030, Labor Code, to make conforming changes.

SECTION 3.141. Amends Section 410.034(b), Labor Code, to require the commissioner, rather than the commission, to prescribe, by rule, the times within which the agreement and report must be filed.

SECTION 3.142. Amends Section 410.102, Labor Code, to delete existing text relating to the approval of an arbitrator by certain members of the commission. Makes conforming changes.

SECTION 3.143. Amends Section 410.103, Labor Code, to make a conforming change.

SECTION 3.144. Amends Sections 410.104(b) and (c), Labor Code, to make conforming changes.

SECTION 3.145. Amends Section 410.105, Labor Code, to authorize the commissioner, rather than the commission, to remove an arbitrator. Deletes existing text relating to the removal of an arbitrator by the commission. Makes conforming changes.

SECTION 3.146. Amends Section 410.106, Labor Code, to make conforming changes.

SECTION 3.147. Amends Section 410.107(a), Labor Code, to make conforming changes.

SECTION 3.148. Amends Section 410.108(a), Labor Code, to make a conforming change.

SECTION 3.149. Amends Section 410.109, Labor Code, to make conforming changes.

SECTION 3.150. Amends Section 410.111, Labor Code, to require the commissioner, rather than the commission, to adopt rules for arbitration consistent with generally recognized arbitration principles and procedures.

SECTION 3.151. Amends Section 410.114(b), Labor Code, to make a conforming change.

SECTION 3.152. Amends Section 410.118(d), Labor Code, to make a conforming change.

SECTION 3.153. Amends Section 410.119(b), Labor Code, to make a conforming change.

SECTION 3.154. Amends Sections 410.121(a) and (b), Labor Code, to make conforming changes.

SECTION 3.155. Amends Section 410.151(b), Labor Code, to make a conforming change.

SECTION 3.156. Amends Section 410.153, Labor Code, to make a conforming change.

SECTION 3.157. Amends Section 410.154, Labor Code, to make a conforming change.

SECTION 3.158. Amends Section 410.155, Labor Code, to make conforming changes.

SECTION 3.159. Amends Section 410.157, Labor Code, to require the commissioner, rather than the commission, to adopt rules governing procedures under which contested case hearings are conducted.

SECTION 3.160. Amends Section 410.158(a), Labor Code, to make a conforming change.

SECTION 3.161. Amends Section 410.159, Labor Code, to require the commissioner, rather than the commission, to prescribe, by rule, standard form sets of interrogatories to elicit information from claimant and insurance carriers. Makes a conforming change.

SECTION 3.162. Amends Section 410.160, Labor Code, to make a conforming change.

SECTION 3.163. Amends Section 410.161, Labor Code, to make a conforming change.

SECTION 3.164. Amends Sections 410.168(d) and (e), Labor Code, to require the commissioner, rather than the commission, to prescribe, by rule, the times within which the hearing officer must file the

decisions with the division. Makes a conforming change.

SECTION 3.165. Amends Section 410.203(d), Labor Code, to require the commissioner, rather than the commission, to adopt rules to give a hearing on remand priority over other proceedings.

SECTION 3.166. Amends Section 410.204(b), Labor Code, to make a conforming change.

SECTION 3.167. Amends Section 410.206, Labor Code, to make a conforming change.

SECTION 3.168. Amends Section 410.207, Labor Code, to make a conforming change.

SECTION 3.169. Amends Sections 410.208(a) and (c), Labor Code, to make conforming changes.

SECTION 3.170. Amends Section 410.209, Labor Code, to require the commissioner, rather than the commission, to adopt rules to provide for the periodic reimbursement schedule, providing for reimbursement at least annually. Makes a conforming change.

SECTION 3.171. Amends Section 410.253, Labor Code, to make a conforming change.

SECTION 3.172. Amends Section 410.254, Labor Code, as follows:

Sec. 410.254. New heading: INTERVENTION. Makes conforming changes.

SECTION 3.173. Amends the heading to Section 410.258, Labor Code, to read as follows:

Sec. 410.258. NOTIFICATION OF DEPARTMENT OF PROPOSED JUDGMENTS AND SETTLEMENTS; RIGHT TO INTERVENE.

SECTION 3.174. Amends Sections 410.258(a), (b), (c), (d), and (e), Labor Code, to make conforming changes.

SECTION 3.175. Amends Section 410.301(a), Labor Code, to make a conforming change.

SECTION 3.176. Amends Section 410.302, Labor Code, to make a conforming change.

SECTION 3.177. Amends Section 410.304, Labor Code, to make conforming changes.

SECTION 3.178. Amends Sections 410.306(b) and (c), Labor Code, to make conforming changes.

SECTION 3.179. Amends Sections 410.307(a) and (d), Labor Code, to make conforming changes.

SECTION 3.180. Amends Section 410.308(a), Labor Code, to make conforming changes.

SECTION 3.181. Amends Section 411.001(1), Labor Code, to redefine “division” to make a conforming change.

SECTION 3.182. Amends Section 411.013, Labor Code, to make a conforming change.

SECTION 3.183. Amends Section 411.032, Labor Code, to require the commissioner, rather than the commission, to adopt rules and prescribe the form and manner of reports filed under this section. Makes conforming changes.

SECTION 3.184. Amends Section 411.035, Labor Code, to make a conforming change.

SECTION 3.185. Amends Section 411.0415, Labor Code, to require the commissioner, rather than

the commission, by rule to analyze and list fatalities that may not be related to the work environment, including certain fatalities. Makes conforming changes.

SECTION 3.186. Amends Section 411.042(b), Labor Code, to require the commissioner, rather than the commission, by rule to require a minimum interval of at least six months before a subsequent audit to identify an employer who was previously identified as a hazardous employer.

SECTION 3.187. Amends Section 411.043(b), Labor Code, to make a conforming change.

SECTION 3.188. Amends Section 411.045(a), Labor Code, to make a conforming change.

SECTION 3.189. Amends Section 411.048, Labor Code, to make conforming changes.

SECTION 3.190. Amends Section 411.049(a), Labor Code, to make a conforming change.

SECTION 3.191. Amends Section 411.050, Labor Code, to make a conforming change.

SECTION 3.192. Amends Section 411.062, Labor Code, to require the commissioner, rather than the commission, by rule to establish qualifications for field safety representatives. Makes conforming changes.

SECTION 3.193. Amends Section 411.064(c), Labor Code, to make conforming changes.

SECTION 3.194. Amends Section 411.065(b), Labor Code, to make a conforming change.

SECTION 3.195. Amends the heading to Section 411.067, Labor Code, to read as follows:

Sec. 411.067. DEPARTMENT PERSONNEL.

SECTION 3.196. Amends Section 411.067(a), Labor Code, to make a conforming change.

SECTION 3.197. Amends Section 411.081(b), Labor Code, to make a conforming change.

SECTION 3.198. Amends Section 411.092, Labor Code, to require the department, rather than the commission, to enforce Section 411.091 and to authorize the commissioner to adopt rules for that purpose.

SECTION 3.199. Amends Section 411.104(b), Labor Code, to make a conforming change.

SECTION 3.200. Amends Section 411.105, Labor Code, to make conforming changes.

SECTION 3.201. Amends Section 411.106, Labor Code, to make conforming changes.

SECTION 3.202. Amends Section 411.107, Labor Code, to make conforming changes.

SECTION 3.203. Amends Section 411.108, Labor Code, to make conforming changes.

SECTION 3.204. Amends Sections 412.041(f), (g), and (j), Labor Code, to make conforming changes.

SECTION 3.205. Amends Section 413.001, Labor Code, to make a conforming change.

SECTION 3.206. Amends Section 413.002, Labor Code, to make conforming changes.

SECTION 3.207. Amends Section 413.003, Labor Code, to make a conforming change.



SECTION 3.208. Amends Section 413.004, Labor Code, to make a conforming change.

SECTION 3.209. Amends Sections 413.005(a), (b), and (d), Labor Code, to make conforming changes.

SECTION 3.210. Amends Section 413.006, Labor Code, to make a conforming change.

SECTION 3.211. Amends Sections 413.007(a) and (c), Labor Code, to make conforming changes.

SECTION 3.212. Amends Sections 413.008(a) and (b), Labor Code, to make conforming changes.

SECTION 3.213. Amends Section 413.011, Labor Code, to require the commissioner, rather than the commission, by rule to establish medical policies and guidelines relating to certain items.

(b) Makes a conforming change.

(c) Makes a conforming change.

(d) Requires the commissioner, rather than the commission, by rule to establish medical policies relating to necessary treatments for injuries.

SECTION 3.214. Amends Section 413.013, Labor Code, to require the commissioner, rather than the commission, by rule to establish certain programs. Makes conforming changes.

SECTION 3.215. Amends Section 413.014, Labor Code, to require the commissioner, rather than the commission, to specify, by rule, which health care treatments and services require express preauthorization by the insurance carrier. Makes a conforming change.

SECTION 3.216. Amends Section 413.015(b), Labor Code, to require the commissioner, rather than the commission, to provide, by rule, for the review and audit of the payment by insurance carriers of charges for medical services provided under this subtitle to ensure compliance of health care providers and insurance carriers with the medical policies and fee guidelines adopted by the commissioner, rather than the commission.

SECTION 3.217. Amends Section 413.016(b), Labor Code, to make a conforming change.

SECTION 3.218. Amends Section 413.017, Labor Code, to make conforming changes.

SECTION 3.219. Amends Sections 413.018(a), (c), (d), and (e), Labor Code, to require the commissioner, rather than the commission, by rule to provide for the periodic review of medical care provided in claims in which guidelines for expected or average return to work time frames are exceeded. Authorizes the commissioner, rather than the commission, to adopt rules necessary to implement this section. Authorizes the department to prescribe forms as necessary to implement this section. Makes conforming changes.

SECTION 3.220. Amends Section 413.020, Labor Code, as follows:

Sec. 413.020. New heading: DEPARTMENT CHARGES. Requires the commissioner, rather than the commission, to establish, by rule, procedures to enable the department, rather than the commission, to charge fees to certain entities.

SECTION 3.221. Amends Sections 413.031(a) and (c), Labor Code, to make conforming changes.

SECTION 3.222. Amends Section 413.041, Labor Code, to make conforming changes.

SECTION 3.223. Amends Section 413.044, Labor Code, to make conforming changes.

SECTION 3.224. Amends Section 413.051, Labor Code, to make conforming changes.

SECTION 3.225. Amends Section 413.052, Labor Code, to require the commissioner, rather than the commission, by rule to establish procedures to enable the commission to compel the production of documents.

SECTION 3.226. Amends Section 413.053, Labor Code, to require the commissioner, rather than the commission, by rule to establish standards of reporting and billing governing content. Deletes existing text relating to standards of the form of reporting and billing.

SECTION 3.227. Amends Section 413.054(a), Labor Code, to provide that a person who performs services for the department, rather than the commission, as a designated doctor, an independent medical examiner, a doctor performing a medical case review, or a member of a peer review panel has the same immunity from liability as the commissioner, rather than a commission member, under Section 402.012, rather than Section 402.010.

SECTION 3.228. Amends Sections 413.055(a) and (b), Labor Code, to require the commissioner, rather than the commission, to adopt rules to provide for a periodic reimbursement schedule, providing for reimbursement at least annually. Makes conforming changes.

SECTION 3.229. Amends Section 414.002(a), Labor Code, to delete existing text relating to persons monitored by the division of medical review. Makes conforming changes.

SECTION 3.230. Amends Section 414.003, Labor Code, to make conforming changes.

SECTION 3.231. Amends Section 414.005, Labor Code, to make a conforming change.

SECTION 3.232. Amends Section 415.001, Labor Code, to make conforming changes.

SECTION 3.233. Amends Section 415.002, Labor Code, to provide that an insurance carrier or its representative commits an administrative violation if that person wilfully or intentionally adjusts a workers' compensation claim in a manner contrary to license requirements for an insurance carrier, including the rule of the Texas Department of Insurance, rather than the State Board of Insurance. Makes conforming changes.

SECTION 3.234. Amends Section 415.003, Labor Code, to make conforming changes.

SECTION 3.235. Amends Sections 415.0035(a) and (b), Labor Code, to make conforming changes.

SECTION 3.236. Amends Section 415.007(a), Labor Code, to make a conforming change.

SECTION 3.237. Amends Section 415.008(e), Labor Code, to make a conforming change.

SECTION 3.238. Amends Section 415.010(a), Labor Code, to make a conforming change.

SECTION 3.239. Amends Sections 415.021(a), (b), and (c), Labor Code, to make conforming changes.

SECTION 3.240. Amends Section 415.023(b), Labor Code, to authorize the commissioner, rather than the commission, to adopt rules providing for certain actions.

SECTION 3.241. Amends Section 415.024, Labor Code, to make a conforming change.

SECTION 3.242. Amends Section 415.032(b), Labor Code, to make conforming changes.

SECTION 3.243. Amends Section 415.033, Labor Code, to make a conforming change.

SECTION 3.244. Amends Section 415.034(a), Labor Code, to make a conforming change.

SECTION 3.245. Amends Sections 415.035(b) and (d), Labor Code, to make conforming changes.

SECTION 3.246. Amends Section 416.001, Labor Code, to make a conforming change.

SECTION 3.247. Amends Sections 417.001(c) and (d), Labor Code, to make conforming changes.

SECTION 3.248. Amends Section 417.003(b), Labor Code, to make a conforming change.

SECTION 3.249. Amends Section 501.001, Labor Code, to delete wording relating to the definition of “commission.” Defines “department.”

SECTION 3.250. Amends Section 501.026(d), Labor Code, to make a conforming change.

SECTION 3.251. Amends Section 501.050(a), Labor Code, to make conforming changes.

SECTION 3.252. Amends Section 502.001(1), Labor Code, to define “department.” Deletes wording relating to the definition of “commission.”

SECTION 3.253. Amends the heading to Section 502.063, Labor Code, to read as follows:

Sec. 502.063. CERTIFIED COPIES OF DEPARTMENT DOCUMENTS.

SECTION 3.254. Amends Sections 502.063(a) and (c), Labor Code, to prohibit a fee or salary from being paid to the commissioner or an employee of the department under certain circumstances. Makes conforming changes.

SECTION 3.255. Amends Section 502.065(a), Labor Code, to make a conforming change.

SECTION 3.256. Amends Sections 502.066(a) and (e), Labor Code, to make conforming changes.

SECTION 3.257. Amends Section 502.067(a), Labor Code, to make a conforming change.

SECTION 3.258. Amends Section 502.068, Labor Code, to make conforming changes.

SECTION 3.259. Amends Section 502.069(a), Labor Code, to make conforming changes.

SECTION 3.260. Amends Section 503.001(1), Labor Code, to define “department.” Deletes wording relating to the definition of “commission.”

SECTION 3.261. Amends the heading to Section 503.063, Labor Code, to read as follows:

Sec. 503.063. CERTIFIED COPIES OF DEPARTMENT DOCUMENTS.

SECTION 3.262. Amends Sections 503.063(a) and (c), Labor Code, to make conforming changes.

SECTION 3.263. Amends Section 503.065(a), Labor Code, to make a conforming change.

SECTION 3.264. Amends Section 503.066(a) and (e), Labor Code, to make conforming changes.

SECTION 3.265. Amends Section 503.067(a), Labor Code, to make a conforming change.

SECTION 3.266. Amends Section 503.068, Labor Code, to make conforming changes.

SECTION 3.267. Amends Section 503.069(a), Labor Code, to make conforming changes.

SECTION 3.268. Amends Section 503.070(a), Labor Code, to make conforming changes.

SECTION 3.269. Amends Section 504.001(1), Labor Code, to define “department.” Deletes wording relating to the definition of “commission.”

SECTION 3.270. Amends the heading to Section 504.018, Labor Code, to read as follows:

Sec. 504.018. NOTICE TO DEPARTMENT AND EMPLOYEES; EFFECT ON  
COMMON-LAW OR STATUTORY LIABILITY.

SECTION 3.271. Amends Section 504.018(a), Labor Code, to make a conforming change.

SECTION 3.272. Amends the heading to Section 505.053, Labor Code, to read as follows:

Sec. 505.053. CERTIFIED COPIES OF TEXAS DEPARTMENT OF WORKERS’  
COMPENSATION DOCUMENTS.

SECTION 3.273. Amends Sections 505.053(a) and (c), Labor Code, to make conforming changes.

SECTION 3.274. Amends Section 505.054(d), Labor Code, to make conforming changes.

SECTION 3.275. Amends Section 505.055, Labor Code, to require the department to file, in addition to subsequent reports of an injury filed with the department under Section 409.005(i), rather than 409.005(e), a subsequent report on a form obtained for that purpose on the termination of incapacity of the injured employee, or if the incapacity extends beyond 60 days. Makes conforming changes.

SECTION 3.276. Amends Sections 505.056(a) and (d), Labor Code, to make conforming changes.

SECTION 3.277. Amends Section 505.057(a), Labor Code, to make a conforming change.

SECTION 3.278. Amends Section 505.058, Labor Code, to make conforming changes.

SECTION 3.279. Amends Section 505.059(a), Labor Code, to make conforming changes.

#### ARTICLE 4. REPEALER

SECTION 4.001. Repealer: Section 402.063 (Appointment of Executive Director), Labor Code; and Section 505.001(1), Labor Code.

#### ARTICLE 5. TRANSITION PROVISIONS; EFFECTIVE DATE

SECTION 5.001. Provides that the change in designation of the Texas Workers’ Compensation Commission (commission) to the Texas Department of Workers’ Compensation (department) does not affect or impair any act done or taken, any rule, standard, or rate adopted, any order or certificate issued, or any form approved by the commission as a state agency, or any penalty assessed by the commission as a state agency before the change in designation made by this Act.

SECTION 5.002. (a) Provides that the commission is abolished on the effective date of this Act.

Provides that the term of a person who is serving on the commission on the effective date of this Act expires on the date the commissioner of workers' compensation (commissioner) is appointed and duly qualified for office.

(b) Provides that a person who is serving as a member or as executive director of the commission on August 31, 2001, is not eligible for appointment as commissioner under Section 402.004, Labor Code, as added by this Act.

SECTION 5.003. Provides that all appropriations made by the legislature for the use and benefit of the commission are available for the use and benefit of the department.

SECTION 5.004. Requires the governor to appoint the commissioner not later than December 31, 2001.

SECTION 5.005. Effective date: September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

Amends As Filed S.B. 851 to transfer certain powers, functions, duties, and requirements from the Texas Workers' Compensation Commission (commission) to the Texas Department of Workers' Compensation (department) rather than to the commissioner of workers' compensation (commissioner), and from the commission to the commissioner rather than the department. Also amends As Filed S.B. 851 as follows:

SECTION 1.001. Sec. 402.001. Adds proposed text relating to certain requirements of the department.

Sec. 402.002. Adds proposed text relating to the composition of the department.

Sec. 402.003. Amends proposed text relating to the enforcement of certain laws by the commissioner. Adds proposed text relating to powers and duties of the commissioner and actions the commissioner is authorized to take.

Sec. 402.010. Amends text relating to the validity of an action of the commissioner or the department.

SECTION 1.002. Sec. 402.041. Amends proposed text relating to the appointment of certain individuals.

Sec. 402.043. Removes proposed text relating to the commissioner's designee.

Sec. 402.044. Makes a conforming change.

SECTION 2.002. Sec. 402.021. Adds proposed text relating to the allocation of functions among certain divisions.

SECTION 2.030. Adds proposed text relating to the State Office of Administrative Hearings.

SECTION 3.007. Removes proposed text relating to certain references in law.

SECTION 3.017. Adds proposed text relating to the composition of Research and Oversight Council on Workers' Compensation.

SECTION 3.028. Transfers rulemaking authority from the commission to the department, rather than to the commissioner.

SECTION 3.145. Maintains and amends text relating to the removal of an arbitrator.

SECTION 3.226. Deletes existing text relating to standards of form of reporting and billing.

SECTION 3.229. Amends existing text relating to persons monitored by the division of medical review.

SECTION 3.254. Adds proposed text relating to certain payments to the commissioner.

SECTION 3.262. Makes a conforming change.

SECTION 5.002. Adds text relating to the expiration of the term of a person serving on the commission on the effective date of this Act.