

## **BILL ANALYSIS**

Senate Research Center  
80R18152 E

C.S.H.B. 2004  
By: Giddings (Lucio)  
State Affairs  
5/2/2007  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not require doctors reviewing certain workers' compensation cases to have a specialty related to the injury.

C.S.H.B. 2004 requires that the reviewing physician in certain reviews of a workers' compensation case be specialized in the area of injury involved in the particular case. This requirement extends to a physician, dentist, or chiropractor conducting a peer review, retrospective review, or required examination, in addition to a designated doctor or physician member of the medical quality review panel.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 (Section 408.0046, Labor Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 408, Labor Code, by adding Sections 408.0043 through 408.0046, as follows:

Sec. 408.0043. PROFESSIONAL SPECIALTY CERTIFICATION REQUIRED FOR CERTAIN REVIEW. (a) Provides that this section applies to certain health professionals.

(b) Requires a person described by Subsection (a) who reviews a specific workers' compensation case to hold a professional certification in a health care specialty appropriate to the type of health care that the injured employee is receiving.

Sec. 408.0044. REVIEW OF DENTAL SERVICES. (a) Provides that this section applies to certain dentists.

(b) Requires a person described in Subsection (a) who reviews a dental service provided in conjunction with a specific worker's compensation case to be licensed to practice dentistry.

Sec. 408.0045. REVIEW OF CHIROPRACTIC SERVICES. (a) Provides that this section applies to certain persons reviewing chiropractic services or providing certain chiropractic services.

(b) Requires a person described by Subsection (a) who reviews a chiropractic service provided in conjunction with a specific workers' compensation case to be licensed to engage in the practice of chiropractic or be a physician licensed to engage in the practice of medicine who is certified in an appropriate medical specialty.

Sec. 408.0046. RULES. Authorizes the commissioner of workers' compensation to adopt rules as necessary to determine which professional health practitioner specialties are appropriate for treatment of certain compensable injuries.

SECTION 2. Amends Section 408.004, Labor Code, by adding Subsection (a-1), to provide that a doctor, other than a chiropractor, who performs a required medical examination under this section (Required Medical Examinations; Administrative Violation) is subject to Section 408.0043, and that a chiropractor who performs a required medical examination under this section is subject to Section 408.0045.

SECTION 3. Amends Section 408.0041(b), Labor Code, to make conforming changes.

SECTION 4. Amends Section 408.0231(g), Labor Code, to make conforming changes.

SECTION 5. Amends Section 408.1225, Labor Code, by adding Subsection (e), to make conforming changes.

SECTION 6. Amends Section 413.031, Labor Code, by amending Subsections (d) and (e) and adding Subsection (e-3), as follows:

(d) Requires certain medical reviews to be conducted by an independent review organization under Chapter 4202 (Independent Review Organizations), rather than Article 21.58C, Insurance Code, in a certain manner.

(e) Makes a conforming change.

(e-3) Makes conforming changes.

SECTION 7. Amends Section 413.0512, Labor Code, by adding Subsection (f), to make conforming changes.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2007.