

SUBJECT: Vocational rehabilitation for injured workers

COMMITTEE: Business and Industry — committee substitute recommended

VOTE: 8 ayes — Brimer, Dukes, Corte, George, Ritter, Siebert, Solomons, Woolley
0 nays
1 absent — Giddings

WITNESSES: For —Evelyn Hartman, Texas Association of Rehabilitation Providers in the Private Sector
Against —None
On —Scott McAnally, Research and Oversight Council

DIGEST: CSHB 2513 would require the Texas Workers' Compensation Commission (TWCC) to notify insurance carriers when an injured employee needed vocational rehabilitation or training. It would allow the insurer to provide the services through a private provider. An employee who refused service provided by a private entity or the Texas Rehabilitation Commission would forfeit supplemental income benefits.

The bill would allow TWCC to develop rules requiring that providers of vocational rehabilitation and training services meet requirements for credentials and qualifications to deal with a workers' compensation insurance claim. It would require periodic TWCC review of medical care received in those claims that exceed the average return-to-work time.

It would require a TWCC program to encourage employers and doctors to discuss modified duty with employees to encourage their safer, quicker return to work. On request, TWCC could require a doctor to provide an evaluation of an employee's ability to function and engage in workplace physical activities or in modified duties.

TWCC would be required to provide information to employers on effective return-to-work programs. The bill would not require an employer to provide

modified duty, nor would it require an employee to accept modified duty. However, an employee who did not accept a legitimate offer of modified duty would be subject to reduced temporary income benefits.

The bill would allow TWCC to adopt rules necessary to implement the return-to-work provisions.

The bill would take effect on September 1, 1999. Provisions regarding return-to-work programs would have to be implemented by January 1, 2000.

**SUPPORTERS
SAY:**

Current law does not require private providers of vocational rehabilitation services to maintain credentials or qualifications established by TWCC in order to participate in the workers' compensation system. This could be dangerous to injured workers. If providers are unqualified, they could do more harm than good. This important service needs to be regulated.

TWCC would refer injured workers to the Texas Rehabilitation Commission (TRC) for vocational rehabilitation. However, the TRC is overburdened and often turns patients away. Allowing patients to patronize private practices would allow greater access to care. Notifying insurers of an employee's needs for vocational rehabilitation also would encourage greater access to services.

Developing a program to encourage employers, doctors, and workers to work together to explore modified work duties would help injured workers return to their jobs more quickly and get back on track with their normal lives. This would benefit both the worker and the employer.

Current law requires TWCC to review claims that have exceeded "lost-time" guidelines. Guidelines have not yet been implemented because of confusion about what "lost-time" means. CSHB 2513 would replace "lost-time" guidelines with guidelines on average or expected time needed for an injured worker to return to work.

**OPPONENTS
SAY:**

No apparent opposition.

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NOTES: The committee substitute removed from the original bill a January 1, 2000, deadline for the TWCC to implement a program encouraging the discussion of modified job duties.