

## **BILL ANALYSIS**

Senate Research Center

H.B. 3196  
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Economic Development  
5-12-97  
Engrossed

### **DIGEST**

S.B. 1, 71st Legislature, Second Called Session, 1989, regarding the workers' compensation system, was passed with the understanding that as time passed, some provisions of the law would require fine-tuning. H.B. 3196 makes four modifications to Chapter 408 of the Labor Code, regarding workers' compensation medical benefits, impairment income benefits, and lifetime income benefits. This bill specifies those who may accompany an employee to a required medical examination; requires that a designated doctor be of the same specialty as the employee's choice of doctor; allows for lifetime income benefits for an injury to the brain that leads to incurable insanity or imbecility; sets dates by which the Texas Workers' Compensation Commission (commission) must develop and implement standards for the inclusion and removal of a doctor from the list of approved doctors who may treat injured employees; and establishes the date by which the commission must approve the list of approved doctors.

### **PURPOSE**

As proposed, H.B. 3196 establishes provisions regarding workers' compensation medical benefits, impairment income benefits, and lifetime income benefits.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 408.004(d), Labor Code, to provide that an injured employee is entitled to have the employee's treating doctor, a doctor recommended by the treating doctor, or a family member selected by the employee present at an examination required by the Texas Workers' Compensation Commission (commission) at the request of an insurance carrier. Deletes existing text regarding a doctor of the employee's choice. Requires the insurance carrier to pay a fee set by the commission to the treating doctor or the treating doctor's designee, rather than the doctor selected by the employee.

SECTION 2. Amends Section 408.122(b), Labor Code, to require a designated doctor to be of the same specialty, rather than in the same discipline, as the employee's doctor of choice.

SECTION 3. Amends Section 408.161(a), Labor Code, to provide that lifetime income benefits are paid until the death of the employee for an injury to the brain resulting in incurable insanity or imbecility. Deletes existing text regarding injury to the skull.

SECTION 4. Amends Section 408.023, Labor Code, by adding Subsection (d), to require the commission to develop standards for the inclusion and removal of doctors on the list of approved doctors described in this section by December 31, 1997; publish the standards by January 31, 1998; accept applications from doctors seeking inclusion on the list of approved doctors from March 1, 1998 to July 1, 1998; and notify each doctor who submits an application but is denied inclusion on the list of approved doctors by October 1, 1998. Authorizes doctors denied inclusion on the list to submit a request to the commission for a reconsideration of their request within three weeks of notification by the commission. Requires the list of approved doctors to be approved by the commission not later than December 31, 1998.

SECTION 5. Effective date: September 1, 1997 for SECTIONS 1-4.  
Makes application of this Act prospective regarding SECTION 3.

SECTION 6. Emergency clause.  
Effective date: upon passage.