

## **BILL ANALYSIS**

Senate Research Center

H.B. 2513  
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Economic Development  
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### **DIGEST**

Currently, injured workers who apply for supplemental income benefits are referred by the Texas Workers' Compensation Commission to the Texas Rehabilitation Commission (TRC) if the worker could benefit from vocational rehabilitation services. Because of TRC's limited resources, many injured workers have reported that TRC was unable to assist them. This bill would set forth guidelines for the provision of vocational rehabilitation or training services for certain injured workers.

### **PURPOSE**

As proposed, H.B. 2513 sets forth guidelines for the provision of vocational rehabilitation or training services for injured workers.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Worker's Compensation Commission in SECTIONS 2 and 3 (Sections 409.012(e) and 413.018(e), Labor Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 408.150, Labor Code, to require the Texas Workers' Compensation Commission (commission) to notify insurance carriers of the need for vocational rehabilitation or training services and authorize insurance carriers to provide such services through a private provider under Section 409.012. Provides that an employee who refuses services provided under this section by the Texas Rehabilitation Commission or a private provider loses entitlement to supplemental, rather than supplementary, income benefits.

SECTION 2. Amends Section 409.012, Labor Code, by adding Subsection (e), to authorize the commission, by rule, to require that a private provider maintain certain credentials and qualifications in order to provide services in connection with a worker's compensation insurance claim.

SECTION 3. Amends Section 413.018, Labor Code, by amending Subsection (a) and adding Subsections (c) - (e), to require the commission 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, rather than lost time or other appropriate guidelines. Requires the commission to implement a program to encourage employers and treating doctors to discuss the availability of modified duty to encourage the safe and timely return to work of injured employees and authorizes the commission to require certain doctors, upon request, to provide a functional capacity evaluation of an injured employee and to determine the injured employee's ability to engage in certain activities. Requires the commission to provide employers information regarding effective return to work programs. Provides that this section does not require an employer to provide modified duty or an employee to accept a modified duty assignment. Subjects an employee who does not accept a bona fide modified duty assignment job offer to Section 408.103(e). Authorizes the commission to adopt rules and forms necessary to implement this section.

SECTION 4. (a) Effective date: September 1, 1999.

(b) Requires the commission to implement the program required by Section 413.018(c), Labor Code, as added by this Act, not later than January 1, 2000.

SECTION 5. Emergency clause.