

BILL ANALYSIS

Senate Research Center
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S.B. 1815
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of Section 413.054, Labor Code, is to provide doctors performing medical reviews at the request of the division of workers' compensation (division) at the Texas Department of Insurance, including designated doctors, independent medical examiners, doctors performing a medical case review, and members of a peer review panel the same immunity from liability as the commissioner of workers' compensation. These reviews may be requested by the division in an effort to resolve a medical dispute or in a review of an individual health care provider's or insurance carrier's activities on a particular claim. Prior to the adoption of H.B. 7, 79th Legislature, Regular Session, 2005, Section 413.054 referenced the immunity provision for a member of the Texas Workers' Compensation Commission, the division's predecessor's agency, located in Section 402.010 (Civil Liability of Member).

When H.B. 7 eliminated the Texas Workers' Compensation Commission and created the division, the statute amended Section 413.054, changing the immunity reference for doctors performing reviews at the request of the division from Section 402.010 to Section 402.0024, which does not exist in the Labor Code. However, Section 402.00123 (Civil Liability of Commissioner), rather than Section 402.0024, is the correct statutory citation for the commissioner of workers' compensation's statutory immunity from liability.

As proposed, S.B. 1815 amends Section 413.054 to provide that a doctor performing a required medical examination or an independent medical examination for the division of worker's compensation has the same immunity from liability as the commissioner under Section 402.00123 (Civil Liability of Commissioner).

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 413.054, Labor Code, as follows:

Sec. 413.054. IMMUNITY FROM LIABILITY. (a) Provides that a person who performs services for the division of workers' compensation of the Texas Department of Insurance as a designated doctor, a doctor performing a required medical examination or an independent medical examination, rather than as 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 of workers' compensation under Section 402.00123 (Civil Liability of Commissioner), rather than 402.0024.

(b) Provides that immunity from liability under this section does not apply to a person performing a service at the request of an insurance carrier, injured employee, or injured employee's representative.

SECTION 2. Effective date: upon passage or September 1, 2009.