

SUBJECT: Removal from workers' compensation approved doctor list

COMMITTEE: Business and Industry — committee substitute recommended

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

WITNESSES: For — Emil Cerullo, Texas Imaging and Diagnostic Center, Oxymed
Against — None

BACKGROUND: Each doctor licensed in Texas on or after January 1, 1993, is listed on the Texas Workers' Compensation Commission's (TWCC) roster of approved doctors unless subsequently removed and not reinstated. A doctor's name is placed on the list of approved doctors when that doctor becomes licensed to practice in this state. Currently, doctors licensed in another state or jurisdiction may apply to the commission to be included on the list. TWCC is required to maintain criteria for eliminating a doctor from the list of approved doctors.

DIGEST: CSHB 3758 would allow a doctor to request in writing to be removed from the Texas Workers' Compensation Commission list of approved doctors. A doctor who requested to be removed from the list could apply to be reinstated.

The bill would require that doctors be on the approved doctor list to perform services, including a required medical examination of an injured worker, or to receive payment.

A doctor licensed in another state or jurisdiction no longer could be included on the approved doctor list. The bill would allow TWCC to grant exceptions to ensure that employees residing out of state have access to medical care and that TWCC could perform necessary review functions.

The bill would take effect on January 1, 2000.

**SUPPORTERS
SAY:**

Doctors should be able to apply to remove their own names from the TWCC approved doctor list. Workers' compensation cases entail a great deal of paperwork, and a doctor might prefer to spend time dealing with other kinds of cases. Furthermore, the workers' compensation system is so complicated, many doctors feel that they are not qualified to participate, or simply do not wish to be part of the system.

**OPPONENTS
SAY:**

This bill does not provide a process that would allow the TWCC to deny a doctor's request to be removed from the approved doctor list if it was necessary. Workers' compensation cases are not always the most savory ones, and some doctors would prefer not to handle them. Allowing doctors to remove themselves from the approved doctor list could result in a shortage or absence of available doctors in rural or poverty-stricken areas.

TWCC currently does not routinely remove bad actors from its approved doctor list, even though it has rules governing removal. Allowing doctors to request to be removed would not address one of the biggest problem in the workers' compensation system — doctors who commit fraud.

NOTES:

The original bill would have provided only that a doctor licensed in another state who evaluated medical records could not be included on the approved doctor list.