

BILL ANALYSIS

Senate Research Center

H.B. 3161
By: Brimer (Armbrister)
Economic Development
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Engrossed

DIGEST

The Texas Workers' Compensation Commission (commission), on its own order or by request from the carrier, may require an injured employee to submit to a required medical examination (RME). RMEs are used to resolve any questions about the appropriateness of medical care, the attainment of maximum medical improvement, the impairment caused by a compensable injury, and similar issues. Under current law, the carrier may only request a RME once in a 180-day period.

This bill would provide specific circumstances under which the commission may adopt rules requiring an injured employee to submit to more than one RME in a 180-day period. Additionally, the bill proposes that an insurance carrier be subject to a Class B administrative violation for unreasonably requesting RMEs.

PURPOSE

As proposed, H.B. 3161 provides specific circumstances under which the commission may adopt rules requiring an injured employee to submit to more than one required medical examination (RME) in a 180-day period. Additionally, the bill proposes that an insurance carrier be subject to a Class B administrative violation for unreasonably requesting RMEs.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Workers' Compensation Commission under SECTION 1 (Section 408.004(b), Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 408.004(b), Labor Code, to provide that except as otherwise provided by this subsection, the insurance carrier is entitled to the examination only once in a 180-day period. Authorizes the Texas Workers' Compensation Commission (commission) to adopt rules that require an employee to submit to not more than three medical examinations in a 180-day period under specified circumstances. Requires the commission, by rule, to adopt a system for monitoring requests made under this subsection by insurance carriers. Requires that system to ensure that good cause exists for any additional medical examination allowed under this subsection that is not requested by the employee. Requires a subsequent examination to be performed by the same doctor unless otherwise approved by the commission.

SECTION 2. Amends Section 408.004, Labor Code, by adding Subsection (g), to provide that an insurance carrier who unreasonably requests a medical examination under Subsection (b) commits a Class B administrative violation.

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.
Effective date: upon passage.