

BILL ANALYSIS

Senate Research Center

H.B. 2198
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State Affairs
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Engrossed

DIGEST AND PURPOSE

The Texas Workers' Compensation Commission (TWCC), by rule, established a 90-day deadline within which injured workers and insurance carriers must dispute maximum medical improvement (MMI) and the resulting impairment rating (IR). On April 12, 2001, the Third District Court of Appeals opined that TWCC did not have statutory authority to adopt a rule to place a deadline on disputing MMI or IR. H.B. 2198 establishes a 90-day deadline to dispute MMI or an IR unless there is compelling medical evidence establishing certain facts.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Workers' Compensation Commission in SECTION 1 (Section 408.123, Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 408.123, Labor Code, by adding Subsections (d), (e), (f), and (g), as follows:

(d) Provides that, except as provided in Subsections (e), (f), and (g), the first valid certification of maximum medical improvement and the first valid assignment of impairment rating to an employee are final if the certification of maximum medical improvement and/or the assigned impairment rating is not disputed within 90 days after written notification of the maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

(e) Authorizes the first certification of maximum medical improvement and/or impairment rating to be disputed after the 90-day period under certain circumstances.

(f) Provides that if an employee has not been certified as having reached maximum medical improvement before the expiration of 104 weeks from the date on which income benefits begin to accrue or the expiration of the date of any extension under Section 408.104, the impairment rating assigned after the end of the 104 weeks or after the end of the extended period under Section 408.104 is final if the impairment rating is not disputed within 90 days after written notification of the maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

(g) Provides that if a disputed certification of maximum medical improvement or assignment of impairment rating is finally modified, overturned, or withdrawn, the first subsequent certification and assignment becomes final if it is not disputed within 90 days after written notification of maximum medical improvement and/or assignment of impairment rating is provided to the claimant and the carrier by verifiable means.

SECTION 2. (a) Makes application of this Act prospective.

(b) Effective date: upon passage or September 1, 2003.