

TOA Top 10 Workers' Comp Bills

(Listed in Bill # order, not in Priority order)

Go to the Texas Legislature Online at www.capitol.state.tx.us. Under Search Legislation, click on Bill Number and input the bill number (below in blue) and click Go. Then click on the "Text" tab to read the bill.



[HB 34](#)

Author: Solomons | et al.

Sponsor:

Last Action: 04/03/2007 S Referred to State Affairs

Caption Version: Engrossed

Caption: Relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.

House Committee: Business & Industry (Out)

Senate Committee: State Affairs (In)

Companion: N/A

Solomons - Prohibits inducements/kickbacks

- **This bill prohibits payments or other inducements to individuals who request services that can affect workers' compensation claims. This bill amends the Labor Code to create an administrative violation if an insurance adjuster, case manager, or other person who has authority to request the performance of a service regarding the management of a workers' compensation claim, including peer review, performance of a required medical examination, or case management. A violation is when the person pays, allows, or gives, or offers to pay, allow, or give, directly or indirectly, a fee, rebate, or other consideration for the performance of these services or for a referral regarding the service, to another person as an inducement for the performance or referral of the service. Support with amendment to add the inclusion of designated doctor companies. SUPPORT**



[HB 472](#)

Author: Solomons

Sponsor:

Last Action: 04/04/2007 H Committee report sent to Calendars

Caption Version: House Committee Report

Caption: Relating to the regulation of third-party administrators, including administrators with delegated duties in the workers' compensation system of this state; providing penalties.

House Committee: Business & Industry (Out)

Senate Committee: N/A

Companion: N/A

Solomons - Regulates 3rd Party Administrators

- **This bill relates to the regulation of third-party administrators in workers' compensation. This bill requires TPAs to register and pay a \$500 fee in workers' comp. There are horror-stories out there about these organizations. This bill does not add additional enforcement at TDI, the**

TPA's simply register and pay a fee. It does require them to file an annual report. TD in Payment Advocacy indicates the bill also adds good language to other insurers. SUPPORT



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[HB 473](#)

Author: Solomons

Sponsor:

Last Action: 04/04/2007 H Reported engrossed

Caption Version: Engrossed

Caption: Relating to the application of certain fee guidelines to health care provided under the workers' compensation system.

House Committee: Business & Industry (Out)

Senate Committee: N/A

Companion: N/A

Solomons - Relates to certain fee guidelines in WC

- Intended to eliminate voluntary networks, but it states what is already occurring: providers and carriers negotiate on a case by case basis. This bill relates to the application of fee guidelines to health care provided in the worker's compensation system. Requires 2 new issues that will likely be determined by the carriers without any knowledge of how they will be determined: 1) care would need to be proven to be medically necessary and 2) reasonable treatment for the injured employee would need to be hindered by application of the fee guidelines adopted by the division. This bill does nothing more than add new measures for carriers to avoid payment to providers. SUPPORT with Modifications made in substitute



[HB 1003](#)

Author: Giddings

Sponsor:

Last Action: 04/03/2007 S Referred to State Affairs

Caption Version: Engrossed

Caption: Relating to professional licensing requirements for independent review of certain medical decisions regarding workers' compensation claims.

House Committee: Business & Industry (Out)

Senate Committee: State Affairs (In)

Companion: N/A

Giddings - Relates to IRO process

- **HB 1003 relates to workers' compensation licensing requirements for independent review medical decisions. This bill says that a review of the medical necessity of a health care service requiring preauthorization and medical necessity shall be conducted by an independent review organization (IRO) in the same manner as reviews of utilization review decisions by health maintenance organizations (HMO). An independent review organization that uses doctors to perform reviews of health care services provided under this title may only use doctors who are licensed to practice in this state. Suggested Amendment: - Page 2 Line 5 after the word "doctors" insert the following, "from the Division of Workers' Compensation's Designated Doctor Program who reside and are" The result would read: (e-2) Notwithstanding Section 4202.002, Insurance Code, an independent review organization that uses doctors to perform reviews of health care services provided under this title may only use doctors from the Division of Workers' Compensation Designated Doctor Program who reside and are licensed to practice in this state. HB 1006 HB 1006 relates to physician licensing requirements for utilization review of medical decisions regarding workers' compensation claims. Requires in state doctors. Suggested Amendment: Page 1 Line 11 after "use" substitute "randomly selected Division of Workers' Compensation Designated Doctor who reside in and are licensed to treat patients in this state." The result would read: (h) Notwithstanding Section 4201.152, Insurance Code, a utilization review agent that uses doctors to perform reviews of health care services provided under this subtitle may only use randomly selected Division of Workers' Compensation Designated Doctors who reside in and are licensed to treat patient in this state.**
- **HB 1003 relates to professional licensing requirements for independent review medical decisions regarding workers' compensation claims. Amends section 413.031 of the Labor Code. Basically, it says that a review of the medical necessity of a health care service requiring preauthorization and medical necessity shall be conducted by an independent review organization under Chapter 4202 [Article 21.58C], Insurance Code, in the same manner as reviews of utilization review decisions by health maintenance organizations. An independent review organization that uses doctors to perform reviews of health care services provided under this title may only use doctors who (insert reside in and are) licensed to practice in this state. SUPPORT W AMENDMENTS**



[HB 1005](#)

Last Action:

Author: Giddings

Sponsor:

04/02/2007 H Committee report sent to Calendars

Caption Version:

House Committee Report

Caption:

Relating to the timely submission of a claim for payment by a workers' compensation health care provider.

House Committee:

Business & Industry (Out)

Senate Committee: N/A

Companion: N/A

Giddings - Timely Submission of Claims

- **HB 1005 Gives the commissioner the ability to adopt rules related to the 95 day billing rule where doctors bill the wrong insurance carrier. SUPPORT with Amendments**



[HB 1006](#)

Author: Giddings

Sponsor:

Last Action: 03/29/2007 S Referred to State Affairs

Caption Version: Engrossed

Caption: Relating to doctor licensing requirements for peer review, utilization, and retrospective review of medical decisions regarding workers' compensation claims.

House Committee: Business & Industry (Out)

Senate Committee: State Affairs (In)

Companion: [SB 1767](#) by Watson, Identical, 03/21/2007 S Referred to State Affairs

Giddings - Licensing requirements for IROs

HB 1006 relates to physician licensing requirements for utilization review of medical decisions regarding workers' compensation claims. Requires in state doctors. Suggested Amendment: Page 1 Line 11 after "use" substitute "randomly selected Division of Workers' Compensation Designated Doctor who reside in and are licensed to treat patients in this state." The result would read: (h) Notwithstanding Section 4201.152, Insurance Code, a utilization review agent that uses doctors to perform reviews of health care services provided under this subtitle may only use randomly selected Division of Workers' Compensation Designated Doctors who reside in and are licensed to treat patient in this state.



[HB 1911](#)

Author: Elkins

Sponsor:

Last Action: 03/20/2007 H Left pending in committee

Caption Version: Introduced

Caption: Relating to workers' compensation fee guidelines.

House Committee: Business & Industry (In)

Senate Committee: N/A

Companion: N/A

Elkins - Eliminates "surety of payment" language that DWC must consider in setting fees

- **HB 1911 eliminates the fee guideline language that says the Division must consider surety of payment. There is no surety of payment, so we like it a lot. SUPPORT**



[HB 2004](#)

Author: Giddings

Sponsor:

Last Action: 04/02/2007 H Committee report sent to Calendars

Caption Version: House Committee Report

Caption: Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate

to the care received by the injured employee.

House Committee: Business & Industry (Out)

Senate Committee: N/A

Companion: N/A

Giddings - Requires "same specialty" peer reviews

- Requires same specialty reviews in peer reviews, des docs, and other physician examinations. SUPPORT MR 2-27-07

Amendment for HB 2004

- Suggested amendment, change in Page 4, line 11 to every 120 days.

Rationale - there is a provision to allow a more frequent exam ordered for unusual reasons by the Commissioner. SUPPORT WITH AMENDMENT



[HB 2579](#)

Author: Coleman

Sponsor:

Last Action: 03/13/2007 H Referred to Business & Industry

Caption Version: Introduced

Caption: Relating to the provision of health care services to an employee who sustains a compensable injury.

House Committee: Business & Industry (In)

Senate Committee: N/A

Companion: N/A

Coleman - Requires payment if preauth given regardless of retrospective review for compensability

- TOA bill that deals with compensability and changes some of the prompt pay timelines. SUPPORT



[SB 287](#)

Author: Lucio

Sponsor:

Last Action: 04/02/2007 H Referred to Business & Industry

Caption Version: Engrossed

Caption: Relating to the appointment of an attorney for a workers' compensation claimant in certain judicial review proceedings initiated by a workers' compensation insurance carrier.

House Committee: Business & Industry (In)

Senate Committee: State Affairs (Out)

Companion: [HB 1301](#) by Zedler, Identical, 02/14/2007 H Referred to Business & Industry

Lucio - Relates to the appointment of an attorney to claimant in judicial reviews

- SB 287 relates to the appointment of an attorney for a workers' compensation claimant in judicial review proceedings. Amends SECTION 1. Subchapter G, Chapter 410, of the Labor Code. In trials initiated by an insurance carrier, the court will be required to appoint an attorney to represent the claimant. The insurance carrier is liable for the attorney's reasonable and necessary fees where the claimant prevails. The subsequent injury fund is liable for the attorney's reasonable and necessary fees on any issue on which the insurance carrier prevails. SUPPORT MR 2-1-07

[WC Due Process MR](#)

- Relating to the appointment of an attorney for a workers' compensation

claimant in certain judicial review proceedings initiated by a workers' compensation insurance carrier. SUPPORT