

By: Solomons

H.B. No. 473

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the application of certain fee guidelines to health  
3 care provided under the workers' compensation system.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 413.011(d), Labor Code, is amended to  
6 read as follows:

7 (d) Fee guidelines must be fair and reasonable and designed  
8 to ensure the quality of medical care and to achieve effective  
9 medical cost control. The guidelines may not provide for payment of  
10 a fee in excess of the fee charged for similar treatment of an  
11 injured individual of an equivalent standard of living and paid by  
12 that individual or by someone acting on that individual's behalf.  
13 The commissioner shall consider the increased security of payment  
14 afforded by this subtitle in establishing the fee guidelines.  
15 Notwithstanding Section 413.016 or any other provision of this  
16 title, to secure health care for an injured employee an insurance  
17 carrier may pay fees to a health care provider that exceed the fees  
18 adopted by the division under [~~are inconsistent with~~] the fee  
19 guidelines if:

20 (1) access to medically necessary and reasonable  
21 treatment for the injured employee is hindered by application of  
22 the fee guidelines adopted by the division; and

23 (2) [~~if~~] the insurance carrier or a network under  
24 Chapter 1305, Insurance Code, has a contract with the health care

1 provider and that contract includes a specific fee schedule.

2 SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2007.