



Senate Committee on
Health and Human Services

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RO-181

ID# 13547
MS

September 9, 1991

The Honorable Dan Morales
Texas Attorney General
P. O. Box 12548
Austin, TX 78711-2548

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SEP 11 91
Opinion Committee

ATTN: Opinions Committee

Dear General Morales:

As Chairman of the Senate Committee on Health and Human Services, I respectfully request a formal opinion regarding health care for non-work-related injuries or ailments provided by a physician to a worker who was injured on the job.

The issue is whether or not non-work-related health care should be covered by Texas Workers' Compensation under certain conditions and who should pay for this care. As an illustration of this issue, I offer the following: A patient who was injured on the job is seen for the first time in a physician's office with the chief complaint of low back pain. As part of the work-up for low back pain, a urinalysis is obtained, and the results indicate the patient who has a low back injury may also be a non-diagnosed diabetic. The physician runs the appropriate tests for a definitive diagnosis of diabetes mellitus while also treating the back injury. Medically, the patient is being treated for low back pain which is complicated by uncontrolled diabetes mellitus.

Under the Texas Workers' Compensation Program, the insurance company will only pay for the work related low back injury and the patient cannot be billed for any health care costs, which in the above example would be related to the diabetes. Thus, there is a need to clarify how such a non-work-related health care which is medically necessary for the health and well being of the injured worker is to be handled under the Texas Workers' Compensation laws.

With these issues in mind, I would respectfully ask the following questions as they apply to the current statutes relating to workers' compensation, as well as those in place prior to January 1991:

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(1) At a time of the initial worker evaluation, if the medical provider identifies a non-work-related medical problem, can the provider legally request payment from an injured worker for those medical services which the provider feels are not work-related?

(2) If the workers' compensation insurance carrier makes the determination that certain medical services rendered to an injured worker are not work-related and disallows payment, can the medical provider then legally request payment from the injured worker for the non-work-related health care?

If you have any further questions regarding this request, please contact Neal Hunt of my Capitol staff or Dr. Joseph Montgomery-Davis, Texas Osteopathic Medical Association, 512-689-2493.

Sincerely,



Chet Brooks
Chairman

CB/11/sbm

cc: John H. Sortore
Field Representative
TOMA
226 Bailey Avenue
Fort Worth, TX 76107