

Submitting A Request To Change Treating Doctor In A Texas Workers' Compensation Claim

Texas workers' compensation law requires that all injured workers have an official treating doctor who manages all treatment and referrals in the claim. This is generally the first doctor you get treatment from unless the first doctor is the company doctor or an emergency room doctor. All injured workers have sixty days to pick a new doctor without Division approval if the only treatment has been from a company doctor or an emergency room doctor.

If you are not satisfied with your initial choice of treating doctor, you have the right to request a change of doctor. The first thing you have to do is [find a doctor that you like](#) and who will agree to be your doctor. Then you have to file [form DWC-53](#) (the official change of doctor request) with the Division of Workers' Compensation.

What you write on the request to change doctors is very important. You have to submit a reason to justify the change of doctor. The law does not allow a change of doctor unless there is a justifiable reason. The law even prohibits a change of doctor if the reason is that you want a new impairment rating or medical report.

Division [Rule 126.9](#) and [Texas Labor Code Section 408.022](#) explain what is required to change doctors. They give two reasons for a change of doctor that are easier to use than any others under the rules. One is that a conflict exists between the employee and the doctor to the extent that the doctor-patient relationship is jeopardized or impaired. If you use this reason to change doctors you must explain how the doctor-patient relationship has been damaged to the degree that it can't be repaired. You can explain why you can't trust the doctor, how you have been mistreated or neglected, describe any conversations that you have had with the doctor or any other information that shows how your relationship with the doctor is beyond repair. You have to explain why there is no way you will ever let that doctor touch you again.

The second way is the easiest of all - to show that the current treating doctor has now chosen not to be your doctor. This can be done by getting the doctor to write a short note stating that he/she no longer wants to be your treating doctor and you are free to seek treatment elsewhere. You can do this whether the doctor chose not to treat you or you have chosen not to be treated by that doctor. This is a very common method for securing a change of doctor.

Once you submit [form DWC-53](#), the Division has ten days to review the request and either allow the change of doctor or deny the request to change doctors. If the Division approves your request for a change of treating doctor, then you can start treating immediately with your new doctor. If the Division denies your request, then you can either submit a new request with a better reason or explanation, or you can request a Benefit Review Conference to litigate your request. The Benefit Review Conference must be requested on [form DWC-45](#) within ten days of receiving the Division's order denying the change of doctor.



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Mr. Lewis writes the [Texas Workers' Comp Blog](#) for www.dallasworkcomp.com, and speaks around the state on workers' compensation issues. For more information, you may visit his firm site at www.rogersbookerlewis.com. You can follow [@matthewblewis](#) on [Twitter](#).