

## **BILL ANALYSIS**

H.B. 1752  
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Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

One of the main responsibilities of the Texas Department of Insurance workers' compensation division is to help resolve disputes on contested claims. In the past, dispute proceedings have been held at one of the 20 field offices across Texas that the division shares with the office of injured employee counsel. Disputes can go through several stages, the first being a benefit review conference, which is a non-adversarial, informal meeting where a benefit review officer explains procedures and works with the parties involved to identify the issues in dispute. The next step is a contested case hearing, which is a formal hearing that an administrative law judge conducts. State law currently requires dispute proceedings to be conducted within 75 miles of the injured employee's residence unless the division finds good cause for selecting a different location. Due to the impact of the COVID-19 pandemic, the division moved all proceedings to a virtual format citing the "good cause" exception. Because the division has reported positive results from this change, H.B. 1752 seeks to provide increased flexibility for the division to continue to hold benefit review conferences remotely, while retaining the requirement for the more formal contested case hearings to remain in person.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1752 amends the Labor Code to condition the authority of the Texas Department of Insurance workers' compensation division to conduct a benefit review conference in person on the division's determination that good cause to do so has been shown. The bill gives the division the option to conduct such a conference by videoconference as an alternative to doing so telephonically or in person.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.