

SUBJECT: Permitting filing of death claims through an insurance carrier

COMMITTEE: Business & Industry — favorable, without amendment

VOTE: 9 ayes — Longoria, Vasut, Cole, Frazier, J. González, Hinojosa, Isaac, Lambert, Neave Criado

0 nays

WITNESSES: For —Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Menda Speckels (*Registered, but did not testify*: Thomas Villarreal, Austin Police Association; Christopher Irwin, Austin Police Association PAC; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); James Parnell, Dallas Police Association; Robin Foster, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Aidan Alvarado, Laredo Firefighters Association; Emily Amps, Texas AFL-CIO; Glenn Deshields, Texas State Association of Firefighters; John Wilkerson, TMPA; and 8 individuals)

Against — (*Registered, but did not testify*: Ray Sullivan, American Property and Casualty Insurance Association)

On — (*Registered, but did not testify*: Erica De la Cruz, Texas Department of Insurance, Division of Workers' Compensation)

DIGEST: HB 2314 would allow individuals to file for death benefits under the workers' compensation system through an insurance carrier. The insurance carrier would be required to create and maintain a record documenting receipt of the claim and provide written notice to the Division of Workers' Compensation that the person filed the claim.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

**SUPPORTERS
SAY:**

HB 2314 would simplify the death benefits process by allowing family members to file claims directly through their insurance carrier. Under current statute, to receive death benefits an individual must file a claim directly with the Division of Workers' Compensation within the year of the person's death. Navigating workers' compensation can be confusing and family members often believe that they have taken all necessary steps after filing the claim, but legitimate claims are often still denied based on a technicality. HB 2314 would assist grieving family members and simplify the process by permitting them to file directly with an insurance carrier.

Provisions of the bill would only apply to workers' compensations insurance carrier as the provisions fall under the workers' compensation section of the Labor Code. Concerns over erroneous filings would be mitigated as insurance carriers and the TDI communicate with each other during the filing process.

**CRITICS
SAY:**

HB 2314 could create confusion in the death benefits filing process. When a business changed insurance carriers, individuals could mistakenly file a claim with the wrong carrier. This could lead to claims being lost if carriers received claims from individuals they did not cover. Keeping the filing of these claims within the Division of Workers' Compensation could ensure carriers received the correct claims. HB 2314 also should clarify that claimants must file with their workers' compensation insurance carrier, not any insurance carrier.