CHAPTER 1201

S.B. No. 1297

AN ACT

relating to written electronic communications between members of a governmental body.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter A, Chapter 551, Government Code, is amended by adding Section 551.006 to read as follows:

Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE TO PUBLIC. (a) A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of this chapter if:

(1) the communication is in writing;

(2) the writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and

(3) the communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted.

(b) A governmental body may have no more than one online message board or similar Internet application to be used for the purposes described in Subsection (a). The online message board or similar Internet application must be owned or controlled by the governmental body, prominently displayed on the governmental body's primary Internet web page, and no more than one click away from the governmental body's primary Internet web page.

(c) The online message board or similar Internet application described in Subsection (a) may only be used by members of the governmental body or staff members of the governmental body who have received specific authorization from a member of the governmental body. In the event that a staff member posts a communication to the online message board or similar Internet application, the name and title of the staff member must be posted along with the communication.

(d) If a governmental body removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the governmental body shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with Chapter 552.
(e) The governmental body may not vote or take any action that is required to be taken at a meeting under this chapter of the governmental body by posting a communication to the online message board or similar Internet application. In no event shall a communication or posting to the online message board or similar Internet application be construed to be an action of the governmental body.

SECTION 2. This Act takes effect September 1, 2013.
Passed the Senate on April 4, 2013: Yeas 30, Nays 0; passed the House on May 22, 2013: Yeas 148, Nays 0, two present not voting.
Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 1202
S.B. No. 1322
AN ACT
relating to the provision of durable medical equipment and home health care services through informal and voluntary networks in the workers' compensation system; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (f), Section 408.027, Labor Code, is amended to read as follows:
(1) Except as provided by Section 408.0281 or 408.0284, any payment made by an insurance carrier under this section shall be in accordance with the fee guidelines authorized under this subtitle if the health care service is not provided through a workers' compensation health care network under Chapter 1305, Insurance Code, or at a contracted rate for that health care service if the health care service is provided through a workers' compensation health care network under Chapter 1305, Insurance Code.

SECTION 2. Subsection (a), Section 408.0282, Labor Code, is amended to read as follows:
(a) Each informal or voluntary network described by Section 408.0281 or 408.0284 shall, not later than the 30th day after the date the network is established, report the following information to the division:
(1) the name of the informal or voluntary network and federal employer identification number;
(2) an executive contact for official correspondence for the informal or voluntary network;
(3) a toll-free telephone number by which a health care provider may contact the informal or voluntary network;
(4) a list of each insurance carrier with whom the informal or voluntary network contracts, including the carrier's federal employer identification number; and
(5) a list of, and contact information for, each entity with which the informal or voluntary network has a contract or other business relationship that benefits or is entered into on behalf of an insurance carrier, including an insurance carrier's authorized agent or a subsidiary or other affiliate of the network.

SECTION 3. Subchapter B, Chapter 408, Labor Code, is amended by adding Section 408.0284 to read as follows:
Sec. 408.0284. REIMBURSEMENT FOR DURABLE MEDICAL EQUIPMENT AND HOME HEALTH CARE SERVICES; ADMINISTRATIVE VIOLATION. (a) In this section:
(1) "Durable medical equipment" includes prosthetics and orthotic devices and related medical equipment and supplies. The term does not include:
(A) an object or device that is surgically implanted, embedded, inserted, or otherwise applied;