

BILL ANALYSIS

Senate Research Center

H.B. 3497
By: Dunnam (Moncrief)
Economic Development
5/13/1999
Engrossed

DIGEST

The Labor Code provides a formal dispute resolution process to resolve benefit-related disagreements between injured employees and their employer's workers' compensation insurance carrier. A contested case hearing is a part of that process. The hearing is conducted by an employee of the Texas Workers' Compensation Commission (TWCC). During the contested case hearing, each party presents its side of the dispute and may question witnesses and introduce evidence to support its case. If either party disagrees with the hearing officer's decision, the decision may be appealed to TWCC's appeals panel within 15 days after the decision of the hearing officer is handed down. The respondent is then required to file a written response with the appeals panel within 15 days after the copy of the request for appeal is served and serve a copy of the response on the appellant on the same day the respondent files the response. H.B. 3497 would specify Saturdays, Sundays, and state recognized national, state, and optional holidays not included in a computation of the respective 15-day period during which an appellant's request for an appeal of a hearing officer's decision or a respondent's written response to the appeals panel must be filed.

PURPOSE

As proposed, H.B. 3497 sets forth provisions regarding certain requirements for the appeal of a hearing officer's decision in a workers' compensation proceeding.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Workers' Compensation Commission in SECTION 1 (Section 410.202(e), Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 410.202, Labor Code, by adding Subsections (d) and (e), as follows:

- (d) Provides that Saturdays, Sundays, and holidays listed in Section 662.003, Government Code, are not included in a computation of the time in which a request for an appeal under Subsection (a) or a response under Subsection (b) must be filed.
- (e) Authorizes the Texas Workers' Compensation Commission, by rule, to provide for the extension of the time for filing a request for an appeal under Subsection (a) or a response under Subsection (b) if good cause is shown by the party seeking the extension.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.