

BILL ANALYSIS

Senate Research Center
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H.B. 1752
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

One of the main responsibilities of the Texas Department of Insurance (TDI) division of workers' compensation (DWC) 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 DWC 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 DWC finds good cause for selecting a different location. Due to the impact of the COVID-19 pandemic, DWC moved all proceedings to a virtual format citing the "good cause" exception.

As DWC has reported positive results from this change, H.B. 1752 seeks to provide increased flexibility for DWC to continue to hold benefit review conferences remotely, while retaining the requirement for the more formal contested case hearings to remain in person.

H.B. 1752 amends current law relating to benefit review conferences under the Texas workers' compensation system.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 410.005, Labor Code, to read as follows:

Sec. 410.005. CONDUCTING ADMINISTRATIVE PROCEEDINGS.

SECTION 2. Amends Section 410.005, Labor Code, by amending Subsections (a) and (d) and adding Subsection (e), as follows:

(a) Prohibits a contested case hearing, rather than a benefit review conference or a contested case hearing, unless the division of worker's compensation of the Texas Department of Insurance (division) determines that good cause exists for the selection of a different location, from being conducted at a site more than 75 miles from the claimant's residence at the time of the injury.

(d) Authorizes the division to conduct a benefit review conference:

- (1) telephonically;
- (2) by videoconference; or
- (3) in person, on showing of good cause as determined by the division,.

Deletes existing text authorizing the division, notwithstanding Subsection (a), to conduct a benefit review conference telephonically on agreement by the injured employee. Makes a nonsubstantive change.

(e) Prohibits a benefit review conference conducted in person under Subsection (d)(3), unless the division determines that good cause exists for the selection of a different location, from being conducted at a site more than 75 miles from the claimant's residence at the time of the injury.

SECTION 3. Makes application of Section 410.005, Labor Code, as amended by this Act, prospective.

SECTION 4. Effective date: upon passage or September 1, 2021.