

By: Isaac

H.B. No. 4214

A BILL TO BE ENTITLED

AN ACT

relating to conducting certain contested case hearings under the Texas workers' compensation system by remote communication.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 410.005(a), Labor Code, is amended to read as follows:

(a) Subject to Section 410.0055, unless ~~[Unless]~~ the division determines that good cause exists for the selection of a different location, a contested case hearing may not be conducted at a site more than 75 miles from the claimant's residence at the time of the injury.

SECTION 2. Subchapter A, Chapter 410, Labor Code, is amended by adding Section 410.0055 to read as follows:

Sec. 410.0055. CONDUCTING CERTAIN CONTESTED CASE HEARINGS BY REMOTE COMMUNICATION. (a) On mutual agreement of the parties, the division shall conduct a contested case hearing telephonically or by videoconference.

(b) The commissioner shall adopt rules as necessary to implement this section, including rules providing for:

(1) the updating of any notice issued for a contested case hearing conducted in a manner described by this section; and

(2) the publication of:

(A) system requirements for a contested case hearing conducted by videoconference; and

1                   (B) a tutorial video and written instruction  
2 guide that include information in English and Spanish regarding how  
3 to electronically submit motions and evidence before a contested  
4 case hearing conducted in a manner described by this section.

5           SECTION 3. As soon as practicable after the effective date  
6 of this Act, the commissioner of workers' compensation shall adopt  
7 rules to implement Section 410.0055, Labor Code, as added by this  
8 Act.

9           SECTION 4. Section 410.0055, Labor Code, as added by this  
10 Act, applies to a contested case hearing requested on or after the  
11 effective date of this Act. A contested case hearing requested  
12 before the effective date of this Act is governed by the law in  
13 effect on the date the contested case hearing was requested, and the  
14 former law is continued in effect for that purpose.

15           SECTION 5. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2023.