

By: Berman

H.B. No. 566

A BILL TO BE ENTITLED

AN ACT

relating to the pursuit of a private claim against a workers' compensation claimant by a health care provider.

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

SECTION 1. Section 413.042, Labor Code, is amended by amending Subsection (a) and adding Subsections (c)-(f) to read as follows:

(a) A health care provider may not pursue a private claim against a workers' compensation claimant for all or part of the cost of a health care service provided to the claimant by the provider unless:

(1) except as provided by Subsection (c), the injury is finally adjudicated not compensable under this subtitle; or

(2) the employee violates Section 408.022 relating to the selection of a doctor and the doctor did not know of the violation at the time the services were rendered.

(c) A health care provider may pursue a private claim against an injured employee or the employee's insurance carrier for all or part of the cost of a health care service provided to the employee by the provider if the employee does not contest the denial of benefits by the insurance carrier under Chapter 410 within 45 days after the date the employee received notice from the insurance carrier of the insurance carrier's refusal to pay benefits.

(d) If a health care provider pursues a private claim

1 against an injured employee or the employee's insurance carrier
2 under Subsection (c) and the employee subsequently contests the
3 denial of benefits by the insurance carrier under Chapter 410, the
4 employee must provide immediate written notice to the provider
5 regarding the employee's pursuit of a claim under Chapter 410.

6 (e) On receipt of written notice under Subsection (d), the
7 health care provider shall stop the active pursuit of the
8 provider's private claim until the employee's injury is finally
9 adjudicated not compensable under this subtitle. The provider is
10 entitled to become a party to the employee's claim under Chapter 410
11 and to receive information from the commission and the employee
12 regarding the adjudication of the employee's claim.

13 (f) A health care provider who, after receiving written
14 notice from an injured employee under Subsection (d), continues to
15 actively pursue the provider's private claim against the employee
16 before the employee's injury is finally adjudicated may not recover
17 any portion of any benefits awarded to the employee by the
18 commission under Chapter 410.

19 SECTION 2. The change in law made by this Act applies only
20 to a private claim against a workers' compensation claimant based
21 on a compensable injury that occurs on or after the effective date
22 of this Act. A claim based on a compensable injury that occurs
23 before the effective date of this Act is governed by the law in
24 effect on the date that the compensable injury occurred, and the
25 former law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect September 1, 2003.