

By: Thompson

H.B. No. 1356

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the release of certain information regarding a workers'
3 compensation claim.

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

5 SECTION 1. Section 402.084(b), Labor Code, is amended to
6 read as follows:

7 (b) Information on a claim may be released as provided by
8 Subsection (a) to:

9 (1) the employee or the employee's legal beneficiary;

10 (2) the employee's or the legal beneficiary's
11 representative;

12 (3) the employer at the time of injury;

13 (4) the insurance carrier;

14 (5) the Texas Certified Self-Insurer Guaranty
15 Association established under Subchapter G, Chapter 407, if that
16 association has assumed the obligations of an impaired employer;

17 (6) the Texas Property and Casualty Insurance Guaranty
18 Association, if that association has assumed the obligations of an
19 impaired insurance company;

20 (7) a third-party litigant in a lawsuit in which the
21 cause of action arises from the incident that gave rise to the
22 injury; or

23 (8) a potential subclaimant under Section 409.009 that
24 is an insurance carrier that has adopted an antifraud plan under

1 Article 3.97-3, Insurance Code, or the authorized representative of
2 such a potential subclaimant.

3 SECTION 2. Section 402.084, Labor Code, is amended by
4 adding Subsections (c-1), (c-2), and (c-3) to read as follows:

5 (c-1) An insurance carrier described by Subsection (a)(8) or
6 an authorized representative of the insurance carrier may submit to
7 the commission on a monthly basis a written request for claims
8 information. The commission shall provide the claims information
9 on a monthly basis in an electronic format to the insurance carrier
10 or representative. The information provided under this subsection
11 must include:

12 (1) the full name of the workers' compensation
13 claimant;

14 (2) the social security number of the workers'
15 compensation claimant;

16 (3) the date of birth of the workers' compensation
17 claimant;

18 (4) the name of the employer of the workers'
19 compensation claimant;

20 (5) the date of the injury;

21 (6) a description of the type of injury or the body
22 part affected, including the workers' compensation claimant's
23 description of how the injury occurred;

24 (7) the treating doctor;

25 (8) the name, address, and claim number of the
26 insurance carrier handling the claim;

27 (9) the name of the insurance adjustor handling the

1 claim; and

2 (10) the identifying number assigned to the claim by
3 the commission and the commission field office handling the claim.

4 (c-2) A potential subclaim identified by an insurance
5 carrier described by Subsection (a)(8) or an authorized
6 representative of the insurance carrier may form the basis for the
7 identification and prosecution of a subclaim under this subtitle.

8 (c-3) Information received under this section by an
9 insurance carrier described by Subsection (a)(8) or an authorized
10 representative of the insurance carrier remains subject to
11 confidentiality requirements of this subtitle while in the
12 possession of the insurance carrier or representative. However,
13 the following laws do not prohibit the commission from disclosing
14 full information regarding a claim as necessary to determine if a
15 valid subclaim exists:

16 (1) Chapter 552, Government Code;

17 (2) Chapter 159, Occupations Code; or

18 (3) any other analogous law restricting disclosure of
19 health care information.

20 SECTION 3. Section 402.084(d), Labor Code, is amended to
21 read as follows:

22 (d) [~~Information on a claim relating to a subclaimant under~~
23 ~~Subsection (b)(8) may include information, in an electronic data~~
24 ~~format, on all workers' compensation claims necessary to determine~~
25 ~~if a subclaim exists. The information on a claim remains subject to~~
26 ~~confidentiality requirements while in the possession of a~~
27 ~~subclaimant or representative.] The commission by rule may~~

1 establish a reasonable fee for all information requested by an
2 insurance carrier described by Subsection (a)(8) or an authorized
3 representative of the insurance carrier [~~under this subsection~~] in
4 an electronic data format [~~by subclaimants or authorized~~
5 ~~representatives of subclaimants~~]. The commission shall adopt rules
6 under Section 401.024(d) to establish:

7 (1) reasonable security parameters for all transfers
8 of information requested under this section [~~subsection~~] in
9 electronic data format; and

10 (2) requirements regarding the maintenance of
11 electronic data in the possession of an insurance carrier described
12 by Subsection (a)(8) or an authorized representative of the
13 insurance carrier [~~a subclaimant or the subclaimant's~~
14 ~~representative~~].

15 SECTION 4. This Act takes effect September 1, 2003, and
16 applies only to a claim for workers' compensation benefits based on
17 a compensable injury that occurs on or after that date. A claim
18 based on a compensable injury that occurs before that date is
19 governed by the law in effect on the date that the compensable
20 injury occurred, and the former law is continued in effect for that
21 purpose.