

## **BILL ANALYSIS**

C.S.H.B. 888  
By: Giddings  
Business & Industry  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

During the 79th Legislature, Regular Session, House Bill 7 created the Office of Injured Employee Counsel, a state agency to assist injured employees with their workers' compensation claims. Currently the Office of Injured Employee Counsel does not have the authority to request free copies of an employee's medical records, which makes it difficult or expensive to assist the employee in his or her case.

C.S.H.B. 888 requires a health care provider to provide, upon written request of an ombudsman for the Office of Injured Employee Counsel, medical records of the injured employee at no cost to the ombudsman. The workers' compensation carrier will be liable for the cost.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the public counsel of the Office of Injured Employee Counsel in SECTION 1 (Section 404.155, Labor Code) of this bill.

### **ANALYSIS**

C.S.H.B. 888 amends the Labor Code by requiring a health care provider, at the written request of an ombudsman of the Office of Injured Employee Counsel (office) who is assisting a specific employee, to provide copies of the injured employee's medical records at no cost to the ombudsman or to the office. The bill provides that the workers' compensation carrier is liable to the provider for the cost of the copies of the medical records. The bill prohibits the insurance carrier from deducting that cost from any benefit to which the injured employee is entitled.

C.S.H.B. 888 sets forth the amount to be charged for the medical records, and prohibits the health care provider from requiring payment for the cost of the medical records before providing the medical records. The bill authorizes the public counsel of the office to adopt rules regarding a time frame for the provision of the medical records and any other matter relating to provision of those copies.

C.S.H.B. 888 provides that a health care provider or insurance carrier that fails to comply with the requirements of this bill or rules adopted under it commits an administrative violation. The bill requires the commissioner of workers' compensation to enforce the violation in accordance with Chapter 415, Labor Code.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original by providing that the workers' compensation carrier is liable to the provider for the cost of the copies of the medical records. The substitute prohibits the insurance carrier from deducting that cost from any benefit to which the injured employee is entitled.

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