

By: Solomons, et al.

H.B. No. 34

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.

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

SECTION 1. Subchapter A, Chapter 415, Labor Code, is amended by adding Section 415.0036 to read as follows:

Sec. 415.0036. ADMINISTRATIVE VIOLATION BY PERSON PERFORMING CERTAIN CLAIM SERVICES. (a) This section applies to an insurance adjuster, case manager, or other person who has authority under this title to request the performance of a service affecting the delivery of benefits to an injured employee, including peer reviews, performance of required medical examinations, or case management.

(b) A person described by Subsection (a) commits an administrative violation if the person offers to pay, pays, solicits, or receives an improper inducement relating to the delivery of benefits to an injured employee or improperly attempts to influence the delivery of benefits to an injured employee, including through the making of improper threats. This section applies to each person described by Subsection (a) who is a participant in the workers' compensation system of this state and to an agent of such a person.

(c) A violation under this section is a Class A

1 administrative violation.

2 SECTION 2. (a) The change in law made by this Act applies
3 only to the punishment for a violation occurring on or after the
4 effective date of this Act. For purposes of this section, a
5 violation is committed before the effective date of this Act if any
6 element of the violation occurs before the effective date.

7 (b) A violation committed before the effective date of this
8 Act is governed by the law in effect on the date the violation was
9 committed, and the former law is continued in effect for that
10 purpose.

11 SECTION 3. This Act takes effect September 1, 2007.