

1-1 By: Solomons, et al. (Senate Sponsor - Brimer) H.B. No. 34
1-2 (In the Senate - Received from the House March 29, 2007;
1-3 April 3, 2007, read first time and referred to Committee on State
1-4 Affairs; April 30, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 30, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 34 By: Lucio

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the prohibition of certain payments or other
1-11 inducements regarding a workers' compensation claim; providing an
1-12 administrative violation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter A, Chapter 415, Labor Code, is
1-15 amended by adding Section 415.0036 to read as follows:

1-16 Sec. 415.0036. ADMINISTRATIVE VIOLATION BY PERSON
1-17 PERFORMING CERTAIN CLAIM SERVICES. (a) This section applies to an
1-18 insurance adjuster, case manager, or other person who has authority
1-19 under this title to request the performance of a service affecting
1-20 the delivery of benefits to an injured employee or who actually
1-21 performs such a service, including peer reviews, performance of
1-22 required medical examinations, or case management.

1-23 (b) A person described by Subsection (a) commits an
1-24 administrative violation if the person offers to pay, pays,
1-25 solicits, or receives an improper inducement relating to the
1-26 delivery of benefits to an injured employee or improperly attempts
1-27 to influence the delivery of benefits to an injured employee,
1-28 including through the making of improper threats. This section
1-29 applies to each person described by Subsection (a) who is a
1-30 participant in the workers' compensation system of this state and
1-31 to an agent of such a person.

1-32 (c) A violation under this section is a Class A
1-33 administrative violation.

1-34 SECTION 2. (a) The change in law made by this Act applies
1-35 only to the punishment for a violation occurring on or after the
1-36 effective date of this Act. For purposes of this section, a
1-37 violation is committed before the effective date of this Act if any
1-38 element of the violation occurs before the effective date.

1-39 (b) A violation committed before the effective date of this
1-40 Act is governed by the law in effect on the date the violation was
1-41 committed, and the former law is continued in effect for that
1-42 purpose.

1-43 SECTION 3. This Act takes effect September 1, 2007.

1-44 * * * * *