

By: Solomons

H.B. No. 724

Substitute the following for H.B. No. 724:

By: Elkins

C.S.H.B. No. 724

A BILL TO BE ENTITLED

1

AN ACT

2 relating to resolution of certain disputes regarding workers'  
3 compensation claims for medical benefits.

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

5 SECTION 1. Section 413.031, Labor Code, is amended by  
6 amending Subsection (k) and adding Subsections (k-1) and (k-2) to  
7 read as follows:

8 (k) A [Except as provided by Subsection (l), a] party to a  
9 medical dispute, other than a medical dispute regarding spinal  
10 surgery subject to Subsection (l) and a dispute subject to Section  
11 413.0311, that remains unresolved after a review of the medical  
12 service under this section is entitled to a hearing. A hearing  
13 under this subsection shall be conducted by the State Office of  
14 Administrative Hearings not later than the 60th day after the date  
15 on which the party notifies the division of the request for a  
16 hearing. The hearing shall be conducted in the manner provided for  
17 a contested case under Chapter 2001, Government Code.

18 (k-1) A party who has exhausted all administrative remedies  
19 under Subsection (k) and who is aggrieved by a final decision of the  
20 State Office of Administrative Hearings may seek judicial review of  
21 the decision. Judicial review under this subsection shall be  
22 conducted in the manner provided for judicial review of a contested  
23 case under Subchapter G, Chapter 2001, Government Code.

24 (k-2) The division and the department are not considered to

1 be parties to the medical dispute for purposes of Subsections (k)  
2 and (k-1) [~~this subsection. Judicial review under this subsection~~  
3 ~~shall be conducted in the manner provided for judicial review of~~  
4 ~~contested cases under Subchapter G, Chapter 2001, Government Code].~~

5 SECTION 2. Subchapter C, Chapter 413, Labor Code, is  
6 amended by adding Section 413.0311 to read as follows:

7 Sec. 413.0311. REVIEW OF CERTAIN MEDICAL DISPUTES;  
8 CONTESTED CASE HEARING. (a) This section applies only to the  
9 following medical disputes that remain unresolved after any  
10 applicable review under Sections 413.031(b) through (i):

11 (1) a dispute involving health care provider fees that  
12 do not exceed \$2,000; and

13 (2) appeal of an independent review organization  
14 decision regarding determination of the medical necessity of a  
15 health care service, the cost for which does not exceed \$3,000.

16 (b) A party to a medical dispute described by Subsection (a)  
17 is entitled to a contested case hearing. A contested case hearing  
18 under this section shall be conducted by a hearings officer in the  
19 manner provided for contested case hearings under Subchapter D,  
20 Chapter 410. Notwithstanding Section 410.024, a benefit review  
21 conference is not a prerequisite to a contested case hearing under  
22 this section.

23 (c) The decision of a hearings officer under this section is  
24 final in the absence of a timely appeal by a party for judicial  
25 review under Subsection (d).

26 (d) A party who has exhausted all administrative remedies  
27 under Section 413.031 and this section and who is aggrieved by a

1 final decision of the hearings officer under Subsection (c) may  
2 seek judicial review of the decision. Judicial review under this  
3 subsection shall be conducted in the manner provided for judicial  
4 review of a contested case under Subchapter G, Chapter 2001,  
5 Government Code.

6 (e) The division and the department are not considered to be  
7 parties to the medical dispute for purposes of this section.

8 SECTION 3. The change in law made by this Act applies to a  
9 workers' compensation medical dispute described by Section  
10 413.031, Labor Code, as amended by this Act:

11 (1) that is pending for an adjudication by the  
12 division of workers' compensation of the Texas Department of  
13 Insurance on or after the effective date of this Act; or

14 (2) that arises on or after the effective date of this  
15 Act.

16 SECTION 4. This Act takes effect September 1, 2007.