

By: Solomons

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. 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 to a medical  
9 dispute that remains unresolved after any applicable review under  
10 Section 413.031, including a dispute related to:

11 (1) spinal surgery;

12 (2) health care provider fees; or

13 (3) appeal of an independent review organization  
14 decision regarding determination of the medical necessity of a  
15 health care service.

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

1 review under Subsection (d).

2 (d) A party who has exhausted all administrative remedies  
3 under Section 413.031 and this section and who is aggrieved by a  
4 final decision of the hearings officer under Subsection (c) may  
5 seek judicial review of the decision. Judicial review under this  
6 subsection shall be conducted in the manner provided for judicial  
7 review of a contested case under Subchapter G, Chapter 2001,  
8 Government Code.

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

11 SECTION 2. Sections 413.031(k) and (l), Labor Code, are  
12 repealed.

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