

By: Taylor

H.B. No. 1306

A BILL TO BE ENTITLED

AN ACT

relating to workers' compensation subclaims.

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

SECTION 1. Section 409.009, Labor Code, is amended to read as follows:

Sec. 409.009. SUBCLAIMS. (a) A person may file a written claim with the division as a subclaimant if the person has:

(1) provided compensation, including health care provided by a health care insurer, directly or indirectly, to or for an employee or legal beneficiary; and

(2) sought and been refused reimbursement from the insurance carrier.

(b) Health care benefits provided by a health care insurer under this section are considered accrued medical benefits provided to a claimant for purposes of Section 410.168(a)(3). A hearing officer may award the health care insurer, as a subclaimant, all or part of the subclaim and may order the insurance carrier to pay the subclaim as part of a dispute adjudication process under Chapter 410.

(c) A subclaimant who is a health care insurer is not required to seek reimbursement from a health care provider or the subclaimant's insured.

(d) It is not a defense to a request by a subclaimant who is a health care insurer for reimbursement in a contested case hearing

1 under Chapter 410 that:

2 (1) the subclaimant:

3 (A) has not sought reimbursement from a health
4 care provider or the subclaimant's insured; or

5 (B) did not seek preauthorization under Section
6 413.014 or rules adopted under that section; or

7 (2) the health care provider did not bill the workers'
8 compensation insurance carrier as provided by Section 408.027
9 before the 95th day after the date the services paid for by the
10 subclaimant were provided.

11 (e) If the insurance carrier does not contest
12 compensability in a claim that is the subject of a subclaim by a
13 health care insurer, the dispute shall proceed to a contested case
14 hearing under Subchapter D, Chapter 410. A benefit review
15 conference under Subchapter B, Chapter 410, is not a prerequisite
16 to a hearing under this subsection.

17 SECTION 2. The change in law made by this Act applies only
18 to a subclaim based on a workers' compensation claim filed under
19 Chapter 409, Labor Code, on or after September 1, 2002. A subclaim
20 based on a claim filed before that date is governed by the law in
21 effect on the date the claim was filed, and the former law is
22 continued in effect for that purpose.

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