

1-1 By: Jackson S.B. No. 929  
1-2 (In the Senate - Filed February 26, 2007; March 7, 2007,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 22, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 22, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 929 By: Jackson

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

1-10 relating to the resolution of certain medical disputes regarding  
1-11 workers' compensation claims.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 413.031, Labor Code, is amended by  
1-14 amending Subsection (k) and adding Subsections (k-1) and (k-2) to  
1-15 read as follows:

1-16 (k) A [Except as provided by Subsection (l), a] party to a  
1-17 medical dispute, other than a medical dispute regarding spinal  
1-18 surgery subject to Subsection (l), that remains unresolved after a  
1-19 review of the medical service under this section is entitled to a  
1-20 hearing. A hearing under this subsection shall be conducted by the  
1-21 State Office of Administrative Hearings not later than the 60th day  
1-22 after the date on which the party notifies the division of the  
1-23 request for a hearing. The hearing shall be conducted in the manner  
1-24 provided for a contested case under Chapter 2001, Government Code.

1-25 (k-1) A party who has exhausted all administrative remedies  
1-26 under Subsection (k) and who is aggrieved by a final decision of the  
1-27 State Office of Administrative Hearings may seek judicial review of  
1-28 the decision. Judicial review under this subsection shall be  
1-29 conducted in the manner provided for judicial review of a contested  
1-30 case under Subchapter G, Chapter 2001, Government Code.

1-31 (k-2) The division and the department are not considered to  
1-32 be parties to the medical dispute for purposes of Subsections (k)  
1-33 and (k-1) [this subsection. Judicial review under this subsection  
1-34 shall be conducted in the manner provided for judicial review of  
1-35 contested cases under Subchapter G, Chapter 2001, Government Code].

1-36 SECTION 2. (a) Except as provided by Subsection (b) of this  
1-37 section, the change in law made by this Act applies to a workers'  
1-38 compensation medical dispute described by Section 413.031, Labor  
1-39 Code, as amended by this Act:

1-40 (1) that is pending for a hearing by the division of  
1-41 workers' compensation of the Texas Department of Insurance on the  
1-42 effective date of this Act; or

1-43 (2) that arises on or after the effective date of this  
1-44 Act.

1-45 (b) A court in which judicial review of a workers'  
1-46 compensation medical dispute described by Section 413.031, Labor  
1-47 Code, as amended by this Act, is pending on the effective date of  
1-48 this Act shall dismiss the case to permit the party bringing the  
1-49 action to obtain a hearing in the manner described by Subsection  
1-50 (k), Section 413.031, Labor Code, as amended by this Act. A  
1-51 dismissal under this subsection is without prejudice to the ability  
1-52 of the party to bring a new action under Subsection (k-1), Section  
1-53 413.031, Labor Code, as added by this Act.

1-54 SECTION 3. This Act takes effect September 1, 2007.

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