

By: Janek

S.B. No. 1169

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reimbursement of an insurance carrier for the
3 overpayment of certain workers' compensation benefits.

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

5 SECTION 1. Section 408.0041, Labor Code, is amended by
6 adding Subsection (f-1) to read as follows:

7 (f-1) The subsequent injury fund shall reimburse an
8 insurance carrier for any overpayment of benefits made by the
9 insurance carrier under Subsection (f) based on an opinion rendered
10 by a designated doctor if that opinion is reversed or modified by a
11 final arbitration award or a final order or decision of the
12 commissioner or a court. The commissioner shall adopt rules to
13 provide for a periodic reimbursement schedule, providing
14 reimbursement at least annually.

15 SECTION 2. Subsection (g), Section 408.042, Labor Code, is
16 amended to read as follows:

17 (g) An insurance carrier is entitled to apply for and
18 receive reimbursement at least annually from the subsequent injury
19 fund for the amount of income and death benefits paid to a worker
20 under this section that are based on employment other than the
21 employment during which the compensable injury occurred. The
22 commissioner may adopt rules that govern the documentation,
23 application process, and other administrative requirements
24 necessary to implement this subsection.

1 SECTION 3. Subsection (b), Section 403.006, Labor Code, is
2 amended to read as follows:

3 (b) The subsequent injury fund is liable for:

4 (1) the payment of compensation as provided by Section
5 408.162;

6 (2) reimbursement of insurance carrier claims of
7 overpayment of benefits made under an interlocutory order or
8 decision of the commissioner as provided by this subtitle,
9 consistent with the priorities established by rule by the
10 commissioner; ~~and~~

11 (3) reimbursement of insurance carrier claims as
12 provided by Sections 408.042 and 413.0141, consistent with the
13 priorities established by rule by the commissioner; and

14 (4) the reimbursement of an insurance carrier as
15 provided by Section 408.0041(f-1).

16 SECTION 4. Subsection (f-1), Section 408.0041, Labor Code,
17 as added by this Act, applies only to a final arbitration award or a
18 final order or decision of the commissioner of workers'
19 compensation or a court rendered on or after the effective date of
20 this Act. A final arbitration award, order, or decision rendered
21 before the effective date of this Act is governed by the law in
22 effect on the date the award, order, or decision was rendered, and
23 the former law is continued in effect for that purpose.

24 SECTION 5. This Act takes effect September 1, 2007.