

AN ACT

relating to the reimbursement of an insurance carrier for the overpayment of certain workers' compensation benefits and to an interlocutory order for benefit payments.

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

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

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

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

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

1 necessary to implement this subsection.

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

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

5 (1) the payment of compensation as provided by Section
6 408.162;

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

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

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

17 SECTION 4. Section 410.032, Labor Code, is amended to read
18 as follows:

19 Sec. 410.032. PAYMENT OF BENEFITS UNDER INTERLOCUTORY
20 ORDER. (a) The ~~[As designated by the commissioner, division~~
21 ~~staff, other than the]~~ benefit review officer who presides
22 ~~[presided or will preside]~~ at the benefit review conference~~[7]~~
23 shall:

24 (1) consider a written or verbal request for an
25 interlocutory order for the payment of benefits; and

26 (2) [shall issue an interlocutory order] if the
27 benefit review officer determines that issuance of an interlocutory

1 order is [~~determined to be~~] appropriate, issue the interlocutory
2 order not later than the third day after the date of receipt of the
3 request under Subdivision (1).

4 (b) The interlocutory order may address accrued benefits,
5 future benefits, or both accrued benefits and future benefits.

6 SECTION 5. Subsection (f-1), Section 408.0041, Labor Code,
7 as added by this Act, applies only to a final arbitration award or a
8 final order or decision of the commissioner of workers'
9 compensation or a court rendered on or after the effective date of
10 this Act. A final arbitration award, order, or decision rendered
11 before the effective date of this Act is governed by the law in
12 effect on the date the award, order, or decision was rendered, and
13 the former law is continued in effect for that purpose.

14 SECTION 6. Section 410.032, Labor Code, as amended by this
15 Act, applies only to a request for an interlocutory order made in
16 conjunction with a workers' compensation benefit review conference
17 that is conducted by a benefit review officer on or after the
18 effective date of this Act. A request made before that date is
19 governed by the law in effect on the date the request is made, and
20 the former law is continued in effect for that purpose.

21 SECTION 7. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1169 passed the Senate on April 26, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 24, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1169 passed the House, with amendment, on May 17, 2007, by the following vote: Yeas 142, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor