

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

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