

1-1 By: Janek S.B. No. 1169  
1-2 (In the Senate - Filed March 6, 2007; March 14, 2007, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 16, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 16, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1169 By: Jackson

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

1-10 relating to the reimbursement of an insurance carrier for the  
1-11 overpayment of certain workers' compensation benefits.

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

1-13 SECTION 1. Section 408.0041, Labor Code, is amended by  
1-14 adding Subsection (f-1) to read as follows:

1-15 (f-1) The subsequent injury fund shall reimburse an  
1-16 insurance carrier for any overpayment of benefits made by the  
1-17 insurance carrier under Subsection (f) based on an opinion rendered  
1-18 by a designated doctor if that opinion is reversed or modified by a  
1-19 final arbitration award or a final order or decision of the  
1-20 commissioner or a court. The commissioner shall adopt rules to  
1-21 provide for a periodic reimbursement schedule, providing  
1-22 reimbursement at least annually.

1-23 SECTION 2. Subsection (g), Section 408.042, Labor Code, is  
1-24 amended to read as follows:

1-25 (g) An insurance carrier is entitled to apply for and  
1-26 receive reimbursement at least annually from the subsequent injury  
1-27 fund for the amount of income and death benefits paid to a worker  
1-28 under this section that are based on employment other than the  
1-29 employment during which the compensable injury occurred. The  
1-30 commissioner may adopt rules that govern the documentation,  
1-31 application process, and other administrative requirements  
1-32 necessary to implement this subsection.

1-33 SECTION 3. Subsection (b), Section 403.006, Labor Code, is  
1-34 amended to read as follows:

1-35 (b) The subsequent injury fund is liable for:

1-36 (1) the payment of compensation as provided by Section  
1-37 408.162;

1-38 (2) reimbursement of insurance carrier claims of  
1-39 overpayment of benefits made under an interlocutory order or  
1-40 decision of the commissioner as provided by this subtitle,  
1-41 consistent with the priorities established by rule by the  
1-42 commissioner; ~~and~~

1-43 (3) reimbursement of insurance carrier claims as  
1-44 provided by Sections 408.042 and 413.0141, consistent with the  
1-45 priorities established by rule by the commissioner; and

1-46 (4) the reimbursement of an insurance carrier as  
1-47 provided by Section 408.0041(f-1).

1-48 SECTION 4. Subsection (f-1), Section 408.0041, Labor Code,  
1-49 as added by this Act, applies only to a final arbitration award or a  
1-50 final order or decision of the commissioner of workers'  
1-51 compensation or a court rendered on or after the effective date of  
1-52 this Act. A final arbitration award, order, or decision rendered  
1-53 before the effective date of this Act is governed by the law in  
1-54 effect on the date the award, order, or decision was rendered, and  
1-55 the former law is continued in effect for that purpose.

1-56 SECTION 5. This Act takes effect September 1, 2007.

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