

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Solomons, et al.

H.B. No. 34

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.

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

SECTION 1. Subchapter A, Chapter 415, Labor Code, is amended by adding Section 415.0036 to read as follows:

Sec. 415.0036. ADMINISTRATIVE VIOLATION BY PERSON PERFORMING CERTAIN CLAIM SERVICES. (a) This section applies to an insurance adjuster, case manager, or other person who has authority under this title to request the performance of a service affecting the delivery of benefits to an injured employee, including peer reviews, performance of required medical examinations, or case management.

(b) A person described by Subsection (a) commits an administrative violation if the person offers to pay, pays, solicits, or receives an improper inducement relating to the delivery of benefits to an injured employee or improperly attempts to influence the delivery of benefits to an injured employee, including through the making of improper threats. This section applies to each person described by Subsection (a) who is a participant in the workers' compensation system of this state and to an agent of such a person.

(c) A violation under this section is a Class A

1 administrative violation.

2       SECTION 2. (a) The change in law made by this Act applies  
3 only to the punishment for a violation occurring on or after the  
4 effective date of this Act. For purposes of this section, a  
5 violation is committed before the effective date of this Act if any  
6 element of the violation occurs before the effective date.

7       (b) A violation committed before the effective date of this  
8 Act is governed by the law in effect on the date the violation was  
9 committed, and the former law is continued in effect for that  
10 purpose.

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

# ADOPTED

MAY 08 2007

*Lotay Spaw*  
Secretary of the Senate

By: Brimer

H.B. No. 34

Substitute the following for H.B. No. 34:

By: Lotay Spaw

C.S. H.B. No. 34

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(b) A person described by Subsection (a) commits an administrative violation if the person offers to pay, pays, solicits, or receives an improper inducement relating to the delivery of benefits to an injured employee or improperly attempts to influence the delivery of benefits to an injured employee, including through the making of improper threats. This section applies to each person described by Subsection (a) who is a participant in the workers' compensation system of this state and to an agent of such a person.

(c) A violation under this section is a Class A

1 administrative violation.

2           SECTION 2. (a) The change in law made by this Act applies  
3 only to the punishment for a violation occurring on or after the  
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6 element of the violation occurs before the effective date.

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8 Act is governed by the law in effect on the date the violation was  
9 committed, and the former law is continued in effect for that  
10 purpose.

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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 27, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB34** by Solomons (Relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Labor Code to prohibit certain payments or inducements regarding a workers' compensation claim and provide an administrative violation for such a payment or inducement.

The Texas Department of Insurance indicates that any costs associated with the bill could be absorbed within the agency's existing resources.

The bill would take effect September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance

**LBB Staff:** JOB, KJG, MW, SK



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 25, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB34** by Solomons (Relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would take effect September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance

**LBB Staff:** JOB, KJG, MW, SK





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 16, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB34** by Solomons (Relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation. ),  
**Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

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The bill would take effect September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department of Insurance

**LBB Staff:** JOB, JRO, MW, SK



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 2, 2007**

**TO:** Honorable Helen Giddings, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB34** by Solomons (Relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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