

BILL ANALYSIS

Senate Research Center
81R23866 KCR-D

H.B. 4545
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Workers' Compensation Act established a process of dispute resolution that allows injured workers and insurers to resolve a dispute through a three-step process. If the parties are unable to resolve their differences after a benefit review conference, a contested case hearing, or an appeal to the appeals panel in Austin, the party that does not prevail has 40 days from the date of the appeals panel's decision to file for judicial review of the dispute.

Currently, parties are required to submit their appeals in writing to the panel in Austin and later receive word of the panel's decision by U.S. mail. Sometimes, the date of the postmark is later than the date the panel makes its decision, shortening the time period within which insurers and injured workers can file for judicial review. This shortened time period seriously impacts injured workers without legal representation. This legislation changes the filing deadline to ensure that a party who receives an adverse determination by the court is granted sufficient time to find an attorney to assist with a judicial review. This bill changes the deadline for filing a request for judicial review of a workers' compensation dispute appeal adjudication to 45 days after the date on which the Workers' Compensation Division of the Texas Department of Insurance mails the party the decision of the appeals panel, rather than 40 days after the court files its decision.

H.B. 4545 amends current law relating to the time for filing a petition for judicial review in certain workers' compensation cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 410.252(a), Labor Code, as follows:

- (a) Authorizes a party to seek judicial review by filing suit not later than the 45th, rather than 40th, day after the date on which the Workers' Compensation Division of the Texas Department of Insurance (division) mailed the party the decision of the appeals panel, rather than the date on which the decision of the appeals panel was filed with the division.

SECTION 2. Provides that the change in law made by this Act applies only to a judicial review proceeding initiated under Subchapter F (Judicial Review-General Provisions) or G (Judicial Review of Issues Regarding Compensability or Income or Death Benefits), Chapter 410 (Adjudication of Disputes), Labor Code, on or after the effective date of this Act. Provides that a proceeding initiated before that date is governed by the law in effect on the date the proceeding was initiated, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2009.