

BILL ANALYSIS

C.S.H.B. 4545
By: Raymond
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. The bill 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.

C.S.H.B. 4545 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 division of workers' compensation 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4545 amends the Labor Code to change the deadline by which a party must file a suit to seek judicial review of an appeal in an adjudication proceeding under the Texas Workers' Compensation Act to not later than the 45th day after the date on which the division of workers' compensation of the Texas Department of Insurance mailed the party the decision of the appeals panel, rather than not later than the 40th day after the date on which the decision of the appeals panel was filed with the division.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4545 differs from the original by changing the deadline by which a party must file suit to seek judicial review of an appeal in an adjudication proceeding under the Texas Workers' Compensation Act to not later than the 45th day after the date on which the division of workers' compensation of the Texas Department of Insurance mailed the party the decision of the appeals

panel, rather than not later than the 40th day after the latest date on which any party receives the decision of the appeals panel, regardless of when the decision was filed with the division, as in the original.