

By: Leibowitz

H.B. No. 3821

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to waiver of an insurer's right to contest compensability  
3 of certain workers' compensation claims.

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

5 SECTION 1. Section 409.021, Labor Code, is amended by  
6 adding Subsection (c-1) to read as follows:

7 (c-1) After the expiration of the 60-day period under  
8 Subsection (c), if the insurance carrier receives written notice of  
9 a new manifestation of the original injury, an additional injury,  
10 or an additional diagnosis and does not contest the compensability  
11 of that injury or diagnosis on or before the 60th day after the date  
12 on which it receives the notice described by this subsection, the  
13 insurance carrier waives its right to contest compensability of the  
14 new manifestation of the original injury, additional injury, or  
15 diagnosis. This subsection may not be construed as limiting an  
16 insurance carrier's ability to reopen the issue of compensability  
17 under Subsection (d) based on newly discovered evidence.

18 SECTION 2. Section 409.021(f), Labor Code, as added by  
19 Chapter 939 (S.B. 1282), Acts of the 78th Legislature, Regular  
20 Session, 2003, is repealed.

21 SECTION 3. The change in law made by this Act applies only  
22 to a claim for workers' compensation benefits based on a  
23 compensable injury that occurs on or after the effective date of  
24 this Act. A claim based on a compensable injury that occurs before

1 that date is governed by the law in effect on the date that the  
2 compensable injury occurred, and the former law is continued in  
3 effect for that purpose.

4 SECTION 4. This Act takes effect September 1, 2009.