

By: Elkins

H.B. No. 4372

Substitute the following for H.B. No. 4372:

By: Giddings

C.S.H.B. No. 4372

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the resolution of overpayment or underpayment of income
3 benefits under the workers' compensation program.

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

5 SECTION 1. Section 408.081(a), Labor Code, is amended to
6 read as follows:

7 (a) An employee is entitled to timely and accurate income
8 benefits as provided in this chapter.

9 SECTION 2. Subchapter E, Chapter 408, Labor Code, is
10 amended by adding Section 408.0815 to read as follows:

11 Sec. 408.0815. RESOLUTION OF OVERPAYMENT OR UNDERPAYMENT OF
12 INCOME BENEFITS. (a) The commissioner by rule shall establish a
13 procedure to require:

14 (1) an overpayment of income benefits to be recouped
15 from future income benefit payments; and

16 (2) an underpayment of income benefits to be paid in a
17 future income benefit payment.

18 (b) The procedure under Subsection (a) must include the
19 following requirements:

20 (1) a process by which an injured worker may notify the
21 carrier of an underpayment;

22 (2) the time frame and methodology by which a carrier
23 shall pay to an injured worker an underpayment through a future
24 income benefit payment;

1 (3) a process by which a carrier shall notify an
2 injured worker of an overpayment of income benefits; and

3 (4) the time frame and methodology by which a carrier
4 may recoup the overpayment through the reduction of a future income
5 benefit payment.

6 SECTION 3. The commissioner of workers' compensation shall
7 adopt rules to implement Section 408.0815, Labor Code, as added by
8 this Act, not later than January 1, 2010.

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