

By: Elkins

H.B. No. 4372

A BILL TO BE ENTITLED

1 AN ACT

2 relating to income benefits in the workers' compensation system.

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

4 SECTION 1. Section 408.081, Labor Code, is amended by
5 amending subsection (a) and adding Subsection (e) to read as
6 follows:

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

9 (e) Except as otherwise provided over and under payments of
10 income benefits shall be resolved through future income benefits.
11 The commissioner by rule shall establish requirements for the
12 resolution of over and under payments of income benefits.
13 Resolution requirements must include:

14 (1) procedures by which an injured worker can notify
15 the carrier of an underpayment;

16 (2) the timeframe and methodology by which a carrier
17 shall settle the underpayment through a future payment;

18 (3) procedures by which a carrier can notify the
19 injured worker of an overpayment;

20 (4) the timeframe and methodology by which a carrier
21 shall recoup the overpayment through a future payment.

22 SECTION 2. The commissioner of workers' compensation shall
23 adopt rules to implement the changes in Section 408.081, Labor
24 Code, as amended by this Act, on or before Jan. 1, 2010. The changes

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1 in law made to Section 408.081, Labor Code, are effective on the
2 date provided by commissioner rule.

3 SECTION 3. Except as otherwise provided for in this Act,
4 this Act takes effect September 1, 2009.