

Amend CSHB 2605 (house committee printing) as follows:

(1) On page 4, strike lines 4-6 and substitute the following:

SECTION 8. Section 402.073, Labor Code, is amended to read as follows:

Sec. 402.073. COOPERATION WITH STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) The commissioner and the chief administrative law judge of the State Office of Administrative Hearings ~~[by rule]~~ shall adopt a memorandum of understanding governing administrative procedure law hearings under this subtitle conducted by the State Office of Administrative Hearings in the manner provided for a contested case hearing under Chapter 2001, Government Code. The memorandum of understanding must address the payment of costs by parties to a medical fee dispute under Section 413.0312.

(2) On page 21, strike lines 15 and 16 and substitute the following:

(g) Except as otherwise provided by this subsection, the nonprevailing party shall reimburse the division for the costs for services provided by the State Office of Administrative Hearings under this section. If the injured employee is the nonprevailing party, the insurance carrier shall reimburse the division for the costs for services provided by the State Office of Administrative Hearings under this section. The party required to reimburse the division under this subsection shall remit payment to the division not later than the 30th day after the date of receiving a bill or statement from the division.

(h) The State Office of Administrative Hearings shall timely notify the division if a dispute is dismissed before issuance of a decision under this section. In the event of a dismissal, the party requesting the hearing, other than the injured employee, shall reimburse the division for the costs for services provided by the State Office of Administrative Hearings unless otherwise agreed by the parties. If the injured employee requested the hearing, the insurance carrier shall reimburse the division for the costs for services provided by the State Office of Administrative Hearings unless otherwise agreed by the parties.

The responsible party shall remit payment to the division not later than the 30th day after the date of receiving a bill or statement from the division.

(i) The State Office of Administrative Hearings shall identify the nonprevailing party and any costs for services provided by the office under this section in its final decision. Money collected by the division under this section shall be deposited in the general revenue fund to the credit of the Texas Department of Insurance operating account.

(j) Interest on the amount of reimbursement required by this section that remains unpaid accrues at a rate provided by Section 401.023 beginning on the 45th day after the date the division submits the bill or statement to a party until the date the reimbursement is paid. Failure to pay the division as required by this section is an administrative violation under this subtitle.

(k) The commissioner by rule shall establish procedures to enable the division to charge a party to a medical fee dispute, other than an injured employee, for the costs of services provided by the State Office of Administrative Hearings.

(3) Strike page 35, line 22, through page 36, line 4, and substitute the following:

SECTION 50. Sections 1305.355(e), (f), and (g), Insurance Code, as amended by this Act, and Section 1305.356, Insurance Code, as added by this Act, apply to a medical dispute based on a review by an independent review organization under Section 1305.355 that is commenced on or after June 1, 2012. A dispute based on a review by an independent review organization under Section 1305.355 that is commenced before June 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(4) On page 36, line 5, between "SECTION 51." and "Section 402.073", insert "(a)".

(5) On page 36, between lines 10 and 11, insert the following:

(b) The State Office of Administrative Hearings and the division of workers' compensation of the Texas Department of Insurance shall adopt an updated memorandum of understanding

required by Section 402.073, Labor Code, as amended by this Act, not later than June 1, 2012.

(6) On page 38, strike lines 19 through 23 and substitute the following:

Insurance on or after June 1, 2012. The appeal of a medical fee dispute that is based on a review conducted by the division of workers' compensation before June 1, 2012, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.