

## **BILL ANALYSIS**

S.B. 809  
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State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the period for appealing most administrative decisions in district court generally is 30 days. Until recently, however, an injured employee appealing an administrative decision regarding income benefits under the state's workers' compensation law had 40 days to file an appeal. Recent legislation increased the time frame in which to appeal income benefit administrative decisions from 40 to 45 days with the expectation that giving an injured employee more time to find an attorney to represent the employee in district court would decrease the incidence of default judgments against injured employees who could not find such legal representation.

S.B. 809 seeks to establish a clear and uniform time frame to file an appeal in district court regardless of the workers' compensation benefits at issue, including medical as well as income benefits.

### **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**

S.B. 809 amends Labor Code provisions relating to the Texas Workers' Compensation Act to require a party that has exhausted its administrative remedies under the act and is seeking judicial review of a hearing officer's final decision in a contested case hearing regarding certain medical disputes to file suit 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 hearing officer's decision. The bill specifies that, for purposes of this requirement, the mailing date is considered to be the fifth day after the date the hearing officer's decision was filed with the division.

S.B. 809 makes a technical correction conforming a reference to the period in which a suit seeking judicial review in a workers' compensation dispute other than a medical dispute is initially filed to the actual period otherwise defined by the deadline for filing specified in statute.

### **EFFECTIVE DATE**

September 1, 2011.