

Suspending limitations on conference committee
jurisdiction, H.B. No. 2605 (Taylor of Galveston/Huffman)

By: Taylor of Galveston

H.R. No. 2648

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 82nd Legislature, Regular Session, 2011, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 2605 (the continuation and
6 functions of the division of workers' compensation of the Texas
7 Department of Insurance) to consider and take action on the
8 following matters:

9 (1) House Rule 13, Section 9(a)(4), is suspended to permit
10 the committee to add text not included in either the house or senate
11 version of the bill to proposed Section 504.055, Labor Code, as
12 added by Senate Floor Amendment No. 4 by Lucio, by adding Subsection
13 (e) to read as follows:

14 (e) Except as otherwise provided by this section, a first
15 responder is entitled to review of a medical dispute in the manner
16 provided by Section 504.054.

17 Explanation: This addition is a cross-reference made
18 necessary by the addition of proposed Section 504.054, Labor Code,
19 as added by the senate committee substitute.

20 (2) House Rule 13, Section 9(a)(2), is suspended to permit
21 the committee to omit text not in disagreement by omitting proposed
22 Section 504.055, Labor Code, that reads as follows:

23 Sec. 504.055. FIRST RESPONDER MEDICAL DISPUTES; CONTESTED
24 CASE HEARING AND JUDICIAL REVIEW. (a) In this section, "first

1 responder" has the meaning assigned by Section 504.054.

2 (b) A first responder whose medical dispute remains
3 unresolved after a review by an independent review organization is
4 entitled to a contested case hearing. The independent review
5 organization's decision is binding during the pendency of a
6 dispute. A hearing under this subsection shall be conducted by the
7 division in the same manner as a hearing conducted under Section
8 413.0311.

9 (c) A first responder who has exhausted all administrative
10 remedies under Subsection (b) and is aggrieved by a final decision
11 of the division may seek judicial review of the decision. Judicial
12 review under this subsection shall be conducted in the manner
13 provided by Section 413.0311(d).

14 Explanation: The omission is necessary to prevent an
15 inconsistency with proposed Section 504.054, Labor Code, as added
16 by the senate committee substitute.

17 (3) House Rule 13, Section 9(a)(1), is suspended to permit
18 the committee to change text not in disagreement in the proposed
19 section containing the transition language added by Senate Floor
20 Amendment No. 4 by Lucio to read as follows:

21 Section 504.055, Labor Code, as added by this Act, applies
22 only 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
25 that date is governed by the law in effect on the date the
26 compensable injury occurred, and the former law is continued in
27 effect for that purpose.

1 Explanation: This change is necessary to correct a
2 cross-reference.