

AN ACT

relating to adjudication of certain workers' compensation disputes, including judicial review in district court.

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

SECTION 1. Subsection (d), Section 410.252, Labor Code, is amended to read as follows:

(d) If a suit is initially filed within the 45-day ~~[40-day]~~ period in Subsection (a), and is transferred under Subsection (c), the suit is considered to be timely filed in the court to which it is transferred.

SECTION 2. Subsection (k-1), Section 413.031, Labor Code, is amended to read as follows:

(k-1) A party who has exhausted all administrative remedies described by ~~[under]~~ Subsection (k) and who is aggrieved by a final decision of the division or the State Office of Administrative Hearings may seek judicial review of the decision. Judicial review under this subsection shall be conducted in the manner provided for judicial review of a contested case under Subchapter G, Chapter 2001, Government Code, except that in the case of a medical fee dispute the party seeking judicial review under this section must file suit not later than the 45th day after the date on which the State Office of Administrative Hearings mailed the party the notification of the decision. For purposes of this subsection, the mailing date is considered to be the fifth day after the date the

1 decision was issued by the State Office of Administrative Hearings.

2 SECTION 3. Subsection (d), Section 413.0311, Labor Code, is
3 amended to read as follows:

4 (d) A party who has exhausted all administrative remedies
5 under Section 413.031 and this section and who is aggrieved by a
6 final decision of the hearings officer under Subsection (c) may
7 seek judicial review of the decision. Judicial review under this
8 subsection shall be conducted in the manner provided for judicial
9 review of a contested case under Subchapter G, Chapter 2001,
10 Government Code, except that the party seeking judicial review
11 under this section must file suit not later than the 45th day after
12 the date on which the division mailed the party the decision of the
13 hearings officer. For purposes of this subsection, the mailing
14 date is considered to be the fifth day after the date the decision
15 of the hearings officer was filed with the division.

16 SECTION 4. Subsection (c), Section 1305.103, Insurance
17 Code, is amended to read as follows:

18 (c) An employee who lives within the service area of a
19 network and who is being treated by a non-network provider for an
20 injury that occurred before the employer's insurance carrier
21 established or contracted with the network, shall select a network
22 treating doctor on notification by the carrier that health care
23 services are being provided through the network. The carrier shall
24 provide to the employee all information required by Section
25 1305.451. If the employee fails to select a treating doctor on or
26 before the 14th day after the date of receipt of the information
27 required by Section 1305.451, the network may assign the employee a

1 network treating doctor. An issue regarding whether a carrier
2 properly provided an employee the information required by this
3 subsection may be resolved using the process for adjudication of
4 disputes under Chapter 410, Labor Code, as used by the department's
5 division of workers' compensation.

6 SECTION 5. Section 1305.451, Insurance Code, is amended by
7 adding Subsection (e) to read as follows:

8 (e) An issue regarding whether an employer properly
9 provided an employee with the information required by this section
10 may be resolved using the process for adjudication of disputes
11 under Chapter 410, Labor Code, as used by the department's division
12 of workers' compensation.

13 SECTION 6. The change in law made by this Act applies only
14 to a suit for judicial review filed on or after the effective date
15 of this Act. A suit for judicial review filed before the effective
16 date of this Act is covered by the law as it existed on the date the
17 suit was filed, and the former law is continued in effect for that
18 purpose.

19 SECTION 7. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 809 passed the Senate on March 21, 2011, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 809 passed the House, with amendment, on May 25, 2011, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor