| **House Bill 2089**  Senate Amendments  Section-by-Section Analysis | | |
| --- | --- | --- |
| HOUSE VERSION | SENATE VERSION (CS) | CONFERENCE |
| SECTION 1. Section 408.081(a), Labor Code, is amended to read as follows:  (a) An employee is entitled to timely and accurate income benefits as provided in this chapter. | SECTION 1. Same as House version. |  |
| SECTION 2. Subchapter E, Chapter 408, Labor Code, is amended by adding Section 408.0815 to read as follows:  Sec. 408.0815. RESOLUTION OF OVERPAYMENT OR UNDERPAYMENT OF INCOME BENEFITS. (a) The commissioner by rule shall establish a procedure by which an insurance carrier:  (1) may recoup an overpayment of income benefits from future income benefit payments that are not reimbursable under Section 410.209; and  (2) shall pay an underpayment of income benefits, including interest on accrued but unpaid benefits, in accordance with this subtitle.  (b) The procedure under Subsection (a) must include:  (1) a process by which an injured employee may notify the insurance carrier of an underpayment;  (2) the time frame and methodology by which an insurance carrier shall pay to an injured employee an underpayment;  (3) a process by which an insurance carrier shall notify an injured employee of an overpayment of income benefits;  (4) the time frame and methodology by which an insurance carrier may recoup an overpayment through the reduction of a future income benefit payment; and  (5) a method for coordinating overpayments that may be recouped from future income benefits and reimbursements described by Section 410.209.  (c) The procedure for recouping overpayments under Subsection (a)(1) must take into consideration the cause of the overpayment and minimize the cost to the injured employee. | SECTION 2. Subchapter E, Chapter 408, Labor Code, is amended by adding Section 408.0815 to read as follows:  Sec. 408.0815. RESOLUTION OF OVERPAYMENT OR UNDERPAYMENT OF INCOME BENEFITS. (a) The commissioner by rule shall establish a procedure by which an insurance carrier:  (1) may recoup an overpayment of income benefits from future income benefit payments that are not reimbursable under Section 410.209; and  (2) shall pay an underpayment of income benefits, including interest on accrued but unpaid benefits, in accordance with this subtitle.  (b) The procedure under Subsection (a) must include:  (1) a process by which an injured employee may notify the insurance carrier of an underpayment;  (2) the time frame and methodology by which an insurance carrier shall pay to an injured employee an underpayment;  (3) a process by which an insurance carrier shall notify an injured employee of an overpayment of income benefits;  (4) the time frame and methodology by which an insurance carrier may recoup an overpayment through the reduction of a future income benefit payment; and  (5) a method for coordinating overpayments that may be recouped from future income benefits and reimbursements described by Section 410.209.  (c) The procedure for recouping overpayments under Subsection (a)(1) must take into consideration the cause of the overpayment and minimize the financial hardship to the injured employee. |  |
| SECTION 3. The commissioner of workers' compensation shall adopt rules to implement Section 408.0815, Labor Code, as added by this Act, not later than January 1, 2012. | SECTION 3. Same as House version. |  |
| SECTION 4. This Act takes effect September 1, 2011. | SECTION 4. Same as House version. |  |