

By: Sheets, Fallon

H.B. No. 1468

A BILL TO BE ENTITLED

1 AN ACT
2 relating to confidential communications between an insurance
3 carrier and a covered employer under the Texas Workers'
4 Compensation Act.

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

6 SECTION 1. Section 409.011, Labor Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) For purposes of this subsection, a reference to the
9 insurance carrier or covered employer includes the insurance
10 carrier's or covered employer's attorneys, consultants, sureties,
11 indemnitors, employees, third-party administrators, and other
12 agents. Communications between an insurance carrier and a covered
13 employer are confidential and not subject to disclosure if the
14 communications include information regarding mental impressions,
15 conclusions, opinions, claims-handling strategies, litigation
16 strategies, legal theories regarding the claim, claim status, claim
17 reserves, or proprietary business practices of the insurance
18 carrier or covered employer or other similar classes of information
19 and are made in furtherance of the covered employer's rights,
20 including rights described by Subsections (b)(1)-(5) and Section
21 415.002(b). An insurance carrier may refuse to disclose and may
22 prevent the disclosure by another person of confidential
23 communications described by this subsection. This subsection:

24 (1) does not apply to:

1 (A) communications between the insurance carrier
2 and covered employer that are offered as evidence in a judicial
3 proceeding between the insurance carrier and covered employer;

4 (B) communications made to the insurance carrier
5 by the covered employer in violation of Section 415.002(a)(6); or

6 (C) public records subject to Chapter 552,
7 Government Code; and

8 (2) does not affect:

9 (A) the requirement to exchange documentation
10 under Chapter 410; or

11 (B) the right of the commissioner to obtain
12 information from an insurance carrier or an employer.

13 SECTION 2. Section 409.011, Labor Code, as amended by this
14 Act, applies only to communications between an insurance carrier
15 and a covered employer made on or after the effective date of this
16 Act.

17 SECTION 3. This Act takes effect September 1, 2013.