

By: Sheets

H.B. No. 1468

A BILL TO BE ENTITLED

AN ACT

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

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

6 SECTION 1. Subchapter B, Chapter 409, Labor Code, is
7 amended by adding Section 409.025 to read as follows:

8 Sec. 409.025. CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS.

9 (a) For purposes of this section, a reference to the insurance
10 carrier or employer includes the insurance carrier's or employer's
11 attorneys, consultants, sureties, indemnitors, employees,
12 third-party administrators, and other agents.

13 (b) Communications between an insurance carrier and an
14 employer are confidential and privileged if the communications are:

15 (1) in furtherance of the employer's rights under
16 Chapter 408, 409, or 410;

17 (2) in anticipation of an administrative or judicial
18 proceeding, including material prepared or mental impressions
19 developed in anticipation of the proceeding; or

20 (3) for the purpose of facilitating the provision of
21 professional services by the insurance carrier to the employer.

22 (c) An insurance carrier or employer may not disclose and
23 may prevent the disclosure of communications described by
24 Subsection (b).

1 (d) In a judicial proceeding between the insurance carrier
2 and employer, a communication described by Subsection (b) made by
3 an insurance carrier or an employer is not privileged and may be
4 offered as evidence.

5 (e) Chapter 552, Government Code, does not apply to a record
6 of a communication described by Subsection (b).

7 SECTION 2. Section 409.025, Labor Code, as added by this
8 Act, applies to communications between an insurance carrier and an
9 employer made before, on, or after the effective date of this Act.

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