

By: Sheets

H.B. No. 687

Substitute the following for H.B. No. 687:

By: Fletcher

C.S.H.B. No. 687

A BILL TO BE ENTITLED

AN ACT

1
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. Subchapter A, Chapter 409, Labor Code, is
7 amended by adding Section 409.0115 to read as follows:

8 Sec. 409.0115. CONFIDENTIAL COMMUNICATIONS. (a) For
9 purposes of this section, a reference to an insurance carrier or
10 covered employer includes the insurance carrier's or covered
11 employer's attorneys, consultants, sureties, indemnitors,
12 employees, third-party administrators, and other agents.

13 (b) Communications between an insurance carrier and a
14 covered employer are confidential and not subject to disclosure if
15 the communications include information regarding mental
16 impressions, conclusions, opinions, claims-handling strategies,
17 litigation strategies, legal theories regarding the claim, claim
18 status, claim reserves, or proprietary business practices of the
19 insurance carrier or covered employer or other similar classes of
20 information and are made in furtherance of the covered employer's
21 rights, including rights described by Sections 409.011(b)(1)-(5)
22 and Section 415.002(b).

23 (c) An insurance carrier may refuse to disclose and may
24 prevent the disclosure by another person of confidential

1 communications described by this section.

2 (d) This section:

3 (1) does not apply to:

4 (A) communications between the insurance carrier
5 and covered employer that are offered as evidence in a judicial
6 proceeding between the insurance carrier and covered employer;

7 (B) communications made to the insurance carrier
8 by the covered employer in which the employer dictates the methods
9 by which and the terms on which the claim is handled and settled; or

10 (C) public records subject to Chapter 552,
11 Government Code; and

12 (2) does not affect:

13 (A) the requirement to exchange documentation
14 under Chapter 410; or

15 (B) the right of the commissioner to obtain
16 information from an insurance carrier or covered employer under
17 this subtitle.

18 (e) An insurance carrier or covered employer is required to
19 disclose any communications, including confidential communications
20 described by this section, that are requested by the commissioner
21 in order to detect and address acts or practices of noncompliance
22 with this subtitle and rules adopted under this subtitle.

23 SECTION 2. Section 409.0115, Labor Code, as added by this
24 Act, applies only to communications between an insurance carrier
25 and a covered employer made on or after the effective date of this
26 Act.

27 SECTION 3. This Act takes effect September 1, 2015.