

BILL ANALYSIS

S.B. 1895
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that certain workers' compensation enforcement matters revolve around technical errors and that time and resources could be saved if the commissioner of workers' compensation were required to consider additional factors in assessing an administrative penalty. S.B. 1895 seeks to require the commissioner to consider additional relevant facts and impacts when considering the assessment of an administrative penalty.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 1 of this bill.

ANALYSIS

S.B. 1895 amends the Labor Code to require the commissioner of workers' compensation in assessing an administrative penalty under the Texas Workers' Compensation Act to consider whether the administrative violation has negative impact on the delivery of benefits to an injured employee and to consider the history of compliance with electronic data interchange requirements in addition to other existing factors. The bill requires the commissioner to adopt rules that require the workers' compensation division of the Texas Department of Insurance, in the assessment of an administrative penalty against a person, to communicate to the person information about the penalty, including the relevant statute or rule violated, the conduct that gave rise to the violation, and the factors considered in determining the penalty.

EFFECTIVE DATE

September 1, 2017.