

By: Schofield

H.B. No. 1678

A BILL TO BE ENTITLED

AN ACT

relating to privileged communications in workers' compensation insurance claims.

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

SECTION 1. The heading to Subchapter D, Chapter 2051, Insurance Code, is amended to read as follows:

SUBCHAPTER D. DUTIES AND PROHIBITED ACTS; ENFORCEMENT; PRIVILEGED COMMUNICATIONS

SECTION 2. Subchapter D, Chapter 2051, Insurance Code, is amended by adding Section 2051.1515 to read as follows:

Sec. 2051.1515. PRIVILEGED COMMUNICATIONS BY CERTAIN INSURANCE COMPANIES AND POLICYHOLDERS. (a) This section applies to:

(1) an insurance company that issues a deductible policy under Subchapter E, Chapter 2053; and

(2) the insurance company's policyholder who self-insures for the amount of the deductible under the policy.

(b) A communication between an insurance company or the company's representative and a policyholder or the policyholder's representative relating to the investigation, evaluation, or resolution of a claim, or resolution of disputes relating to the claim, under the policyholder's policy is privileged from disclosure.

(c) A communication described by Subsection (b) may not be

1 disclosed unless the insurance company expressly waives the  
2 privilege established under Subsection (b).

3         SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2017.