

By: Davis of Dallas, Ramos

H.B. No. 741

A BILL TO BE ENTITLED

AN ACT

relating to rights and benefits under the Texas workers' compensation system.

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

SECTION 1. Section 404.109, Labor Code, is amended to read as follows:

Sec. 404.109. INJURED EMPLOYEE RIGHTS; NOTICE. (a) The public counsel shall adopt, in the form and manner prescribed by the public counsel and after consultation with the commissioner of workers' compensation, a notice of injured employee rights and responsibilities to be distributed by the division as provided by commissioner or commissioner of insurance rules.

(b) The notice adopted under Subsection (a) must inform an injured employee that the employee has the right to choose a treating doctor, including a doctor of medicine, osteopathic medicine, optometry, dentistry, podiatry, or chiropractic who is licensed and authorized to practice.

(c) A right or responsibility included in the notice adopted under Subsection (a) [~~this section~~] must be consistent with the requirements of this subtitle and division rules.

(d) This section may not be construed as establishing an entitlement to benefits to which the claimant is not otherwise entitled under this subtitle.

SECTION 2. Section 408.183(b-1), Labor Code, is amended to

1 read as follows:

2 (b-1) Notwithstanding Subsection (b), an eligible spouse
3 who remarried is eligible for death benefits for life if the
4 employee was a first responder, as defined by Section 504.055, or an
5 individual described by Section 615.003(1), Government Code, or
6 Section 501.001(5)(F) of this code, who suffered death in the
7 course and scope of employment or while providing services as a
8 volunteer. This subsection applies regardless of the date on which
9 the death of the first responder or other individual occurred.

10 SECTION 3. The public counsel of the office of injured
11 employee counsel shall adopt the notice required under Section
12 404.109, Labor Code, as amended by this Act, not later than December
13 1, 2019.

14 SECTION 4. The change in law made by this Act to Section
15 408.183(b-1), Labor Code, applies only to an eligible spouse who
16 remarries on or after the effective date of this Act. An eligible
17 spouse who remarried before that date is governed by the law as it
18 existed immediately before the effective date of this Act, and the
19 former law is continued in effect for that purpose.

20 SECTION 5. This Act takes effect September 1, 2019.