87R6779 JSC-F

By:  Oliverson H.B. No. 1339

A BILL TO BE ENTITLED

AN ACT

relating to benefit review conferences and certain required reports under the Texas workers' compensation system.

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

SECTION 1.  Section 1305.502(a), Insurance Code, is amended to read as follows:

(a)  Not later than December 1 of each even-numbered year, the [~~The~~] group shall develop and issue an [~~annual~~] informational report card that identifies and compares, on an objective basis, the quality, costs, health care provider availability, and other analogous factors of workers' compensation health care networks operating under the workers' compensation system of this state with each other and with medical care provided outside of networks.

SECTION 2.  The heading to Section 410.005, Labor Code, is amended to read as follows:

Sec. 410.005.  CONDUCTING [~~VENUE FOR~~] ADMINISTRATIVE PROCEEDINGS.

SECTION 3.  Section 410.005, Labor Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:

(a)  Unless the division determines that good cause exists for the selection of a different location, [~~a benefit review conference or~~] a contested case hearing may not be conducted at a site more than 75 miles from the claimant's residence at the time of the injury.

(d)  The [~~Notwithstanding Subsection (a), the~~] division may conduct a benefit review conference:

(1)  telephonically;

(2)  by videoconference; or

(3)  in person, on showing of good cause as determined by the division [~~on agreement by the injured employee~~].

(e)  Unless the division determines that good cause exists for the selection of a different location, a benefit review conference conducted in person under Subsection (d)(3) may not be conducted at a site more than 75 miles from the claimant's residence at the time of the injury.

SECTION 4.  Sections 504.053(c) and (d), Labor Code, are amended to read as follows:

(c)  If the political subdivision or pool provides medical benefits in the manner authorized under Subsection (b)(2), the following do not apply:

(1)  Sections 408.004 and 408.0041, unless use of a required medical examination or designated doctor is necessary to resolve an issue relating to the entitlement to or amount of income benefits under this title;

(2)  Subchapter B, Chapter 408, except for Section 408.021;

(3)  Chapter 413, except for Section 413.042; and

(4)  Chapter 1305, Insurance Code, except for Sections [~~1305.501,~~] 1305.502[~~,~~] and 1305.503.

(d)  If the political subdivision or pool provides medical benefits in the manner authorized under Subsection (b)(2), the following standards apply:

(1)  the political subdivision or pool must ensure that workers' compensation medical benefits are reasonably available to all injured workers of the political subdivision or the injured workers of the members of the pool within a designed service area;

(2)  the political subdivision or pool must ensure that all necessary health care services are provided in a manner that will ensure the availability of and accessibility to adequate health care providers, specialty care, and facilities;

(3)  the political subdivision or pool must have an internal review process for resolving complaints relating to the manner of providing medical benefits, including an appeal to the governing body or its designee and appeal to an independent review organization;

(4)  the political subdivision or pool must establish reasonable procedures for the transition of injured workers to contract providers and for the continuity of treatment, including notice of impending termination of providers and a current list of contract providers;

(5)  the political subdivision or pool shall provide for emergency care if an injured worker cannot reasonably reach a contract provider and the care is for medical screening or other evaluation that is necessary to determine whether a medical emergency condition exists, necessary emergency care services including treatment and stabilization, and services originating in a hospital emergency facility following treatment or stabilization of an emergency medical condition;

(6)  prospective or concurrent review of the medical necessity and appropriateness of health care services must comply with Article 21.58A, Insurance Code;

(7)  the political subdivision or pool shall continue to report data to the appropriate agency as required by Title 5 of this code and Chapter 1305, Insurance Code; and

(8)  a political subdivision or pool is subject to the requirements under Sections [~~1305.501,~~] 1305.502[~~,~~] and 1305.503, Insurance Code.

SECTION 5.  The following provisions are repealed:

(1)  Section 1305.501, Insurance Code;

(2)  Section 2053.012, Insurance Code; and

(3)  Sections 405.0025(b) and (c), Labor Code.

SECTION 6.  Section 410.005, Labor Code, as amended by this Act, applies to a benefit review conference requested on or after the effective date of this Act. A benefit review conference requested before the effective date of this Act is governed by the law in effect on the date the benefit review conference was requested, and the former law is continued in effect for that purpose.

SECTION 7.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.