

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

1 the injury.

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

4 (1) telephonically;

5 (2) by videoconference; or

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

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

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

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

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

22 (2) Subchapter B, Chapter 408, except for Section  
23 408.021;

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

25 (4) Chapter 1305, Insurance Code, except for Sections  
26 [~~1305.501,~~] 1305.502[~~7~~] and 1305.503.

27 (d) If the political subdivision or pool provides medical

1 benefits in the manner authorized under Subsection (b)(2), the  
2 following standards apply:

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

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

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

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

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

1 of an emergency medical condition;

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

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

8 (8) a political subdivision or pool is subject to the  
9 requirements under Sections [~~1305.501~~] 1305.502[~~7~~] and 1305.503,  
10 Insurance Code.

11 SECTION 5. The following provisions are repealed:

12 (1) Section 1305.501, Insurance Code;

13 (2) Section 2053.012, Insurance Code; and

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

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

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