

By: Oliverson

H.B. No. 1752

A BILL TO BE ENTITLED

1 AN ACT
2 relating to benefit review conferences under the Texas workers'
3 compensation system.

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

5 SECTION 1. The heading to Section 410.005, Labor Code, is
6 amended to read as follows:

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

9 SECTION 2. Section 410.005, Labor Code, is amended by
10 amending Subsections (a) and (d) and adding Subsection (e) to read
11 as follows:

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

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

19 (1) telephonically;

20 (2) by videoconference; or

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

23 (e) Unless the division determines that good cause exists
24 for the selection of a different location, a benefit review

1 conference conducted in person under Subsection (d)(3) may not be
2 conducted at a site more than 75 miles from the claimant's residence
3 at the time of the injury.

4 SECTION 3. Section 410.005, Labor Code, as amended by this
5 Act, applies to a benefit review conference requested on or after
6 the effective date of this Act. A benefit review conference
7 requested before the effective date of this Act is governed by the
8 law in effect on the date the benefit review conference was
9 requested, and the former law is continued in effect for that
10 purpose.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.