

BILL ANALYSIS

H.B. 2534
By: Turner
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Workers' compensation disputes are disagreements about whether an injured employee may be eligible for medical or income benefits. These disputes go through a robust administrative process similar to typical court proceedings, which serves as an injured employee's day in court. A contested case hearing is a formal proceeding held by a Texas Department of Insurance Division of Workers' Compensation (DWC) administrative law judge. Parties provide sworn testimony and documents, cross-examine witnesses, and present arguments before the judge. The judge issues a formal decision and order resolving the dispute. If any party disagrees with the hearing decision and order, they can request an appeals panel review. The DWC appeals panel is a group of administrative law judges that reviews party statements and the hearing decision and record, and then issues a written decision. DWC has recently received open records requests for working papers, draft decisions, and electronic communications related to administrative law judges' formal decisions in a workers' compensation dispute, but the ability of a party of a dispute to receive this type of information may hinder a judge's ability to fully consider and analyze a case and lead to a chilling effect on their work process. H.B. 2534 seeks to prevent this by exempting the working papers and electronic communications of administrative law judges and appeal judges in these disputes from public disclosure.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2534 amends the Labor Code to exempt from disclosure under state public information law the following working papers and electronic communications of an administrative law judge or appeals judge created in connection with conducting contested case hearings on workers' compensation claims or related appeals to the appeals panel:

- notes and electronic communications recording the observations, thoughts, questions, deliberations, or impressions of an administrative law judge or appeals judge;
- drafts of a decision; and
- drafts of an order.

The bill applies to a document or electronic communication created by an administrative law judge or appeals judge before, on, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.