

BILL ANALYSIS

H.B. 4214
By: Isaac
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The division of workers' compensation of the Texas Department of Insurance administers the workers' compensation system and resolves claim disputes. The division has 20 field offices spread across Texas, and current law requires the division to hold a hearing within 75 miles of the claimant. The Office of Injured Employee Counsel (OIEC) assists unrepresented injured employees in claim disputes using its ombudsman program. The division began using the virtual communications platform Zoom to resolve claim disputes through informal mediation during the COVID-19 pandemic and currently has the technology to conduct virtual contested case hearings. The division made a legislative recommendation to the 87th Texas Legislature to continue conducting virtual benefit review conferences, and H.B. 1752 passed with no opposition. In December, OIEC identified the need to expand virtual contested case hearings in its biennial report to the 88th Texas Legislature. H.B. 4214 seeks to enact the OIEC recommendation and assist the division in fulfilling one of the legislature's statutory goals for the system to take maximum advantage of technology to provide high levels of service to system participants by requiring the division, on mutual agreement of the parties, to conduct a contested case hearing telephonically or by videoconference.

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 rulemaking authority is expressly granted to the commissioner of workers' compensation in SECTION 2 of this bill.

ANALYSIS

H.B. 4214 amends the Labor Code to require the workers' compensation division of the Texas Department of Insurance, on mutual agreement of the parties, to conduct a contested case hearing telephonically or by videoconference. The bill requires the commissioner of workers' compensation to adopt rules as necessary to implement the bill's provisions, including rules providing for the following:

- updating of any notice issued for a contested case hearing conducted in such a manner; and
- publication of system requirements for a contested case hearing conducted by videoconference and a tutorial video and written instruction guide that include information in English and Spanish regarding how to electronically submit motions and evidence before a contested case hearing conducted in such a manner.

The bill subjects the prohibition against the division conducting a contested case hearing at a site more than 75 miles from the claimant's residence at the time of the injury except for good

cause to the bill's requirements for conducting certain contested case hearings by remote communication.

H.B. 4214 applies to a contested case hearing requested on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.