

BILL ANALYSIS

Senate Research Center
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S.B. 934
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 934 amends the Labor Code to extend the deadline for filing for judicial review from 45 days to 60 days.

The Office of Injured Employee Counsel (OIEC) is the state agency charged with assisting injured employees with their workers' compensation claims. If there is a dispute between the injured employee and the workers' compensation insurance carrier that cannot be worked out between the parties, the parties may request dispute resolution through the Division of Workers' Compensation (DWC). DWC is the agency in charge of regulating the workers' compensation system in Texas. If the parties cannot reach an agreement during the dispute resolution proceedings, the next step is a benefits review conference (BRC). BRC is an informal meeting in which the injured employee meets with a representative of the insurance carrier to discuss the dispute in front of a DWC benefit review officer. If the parties still disagree after BRC and choose not to arbitrate, a contested case hearing (CCH) is the next step. CCH is a formal hearing conducted by a DWC administrative law judge, who will make a decision and issue a written decision and order.

If the dispute can still not be resolved during a CCH, any party may request review by the DWC Appeals Panel. The appeals panel will issue a written decision, and this is the final step in DWC's dispute resolution process. If, after all this, a party disagrees, they may seek judicial review by appealing the decision to the district court. Currently, a party has only 45 days from the date DWC mailed the appeals decision to seek judicial review.

In their biennial recommendation, the OIEC recommended increasing the deadline to file for judicial review. OIEC says this change is needed because injured employees must find legal representation to appeal to the district court, and the employees are currently struggling to find an attorney within the 45 day filing deadline. The 45 days also includes mailing time, so the time parties have to find an attorney is actually less.

As proposed, S.B. 934 amends current law relating to judicial review of certain workers' compensation disputes.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 410.252(a) and (d), Labor Code, as follows:

(a) Provides that a party may seek judicial review by filing suit not later than the 60th, rather than the 45th, day after the date on which the division of workers' compensation mailed the party the decision of the appeals panel.

(d) Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.