

- SUBJECT:** Providing insurance company names to injured workers in comp disputes
- COMMITTEE:** Business and Industry — committee substitute recommended
- VOTE:** 9 ayes — Brimer, Dukes, Corte, George, Giddings, Ritter, Siebert, Solomons, Woolley
0 nays
- WITNESSES:** For — Ramon Class; Tom Ragland
Against — None
On — None
- BACKGROUND:** Workers' compensation insurance carriers can dispute an injured worker's right to Supplemental Income Benefits (SIBs) in a benefit review conference, contested case hearing, or arbitration process. Parties who opt out of the arbitration process can participate in the contested case hearing if a benefit review conference has taken place. If the benefit review conference does not result in a resolution, the unresolved issues can be taken before a hearing officer in a contested case hearing. If the issues still are not resolved after that hearing, either party can appeal. In the event of an unsatisfactory appeal, either party can seek judicial review.
- DIGEST:** CSHB 3493 would require insurance carriers involved in a contested workers' compensation case hearing to provide the claimant with a document stating the true corporate name of the insurance carrier, as well as the name and address of the insurance carrier's registered agent for service of process. The document would be part of the record of the contested case hearing.
- The bill would require every final appeals panel decision to conclude with a paragraph including the true corporate name of the insurance carrier and the name and address of its registered agent.
- The bill would take effect on September 1, 1999 and would apply only to hearings conducted on or after the effective date.

SUPPORTERS SAY: HB 3493 would make it easier for the injured employees to obtain needed information. Injured workers involved in an administrative appeal for a denied workers compensation claim often are unfamiliar with the very rigid process, and may not be represented by a lawyer. If an injured employee chooses to contest an appellate decision in court, the employee must correctly name the parties to the lawsuit and serve papers to the opposing party. An injured employee without a lawyer might not know how to determine the identity of the registered agent designated for service of papers, the agent's address, or even the legal name of the corporation. Including this information in the appeal decision would give the employee easier access to these facts.

The bill actually would help reduce the number of frivolous suits. Injured workers wishing to file suit against a carrier often cannot determine the information needed to file a lawsuit, so they will name as many plaintiffs as they can, hoping to include the intended defendant. Clearly specifying the name of the carrier and name and address of the carrier's registered agent would pinpoint exactly whom the worker should sue.

OPPONENTS SAY: CSHB 3493 is unnecessary. The legal name of the corporation, as well as the name and address of its registered agent, is information already accessible to anyone. Distributing that information to a claimant in a hearing might only serve to motivate frivolous lawsuits.

NOTES: The committee substitute would require the insurance carrier to file with the hearing officer and the claimant a document stating the corporation's true name and the name and address of its registered agent and would require the document to be part of the record of the case hearing.