

- SUBJECT:** Timely filing for judicial review of workers' compensation disputes
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 11 ayes — Cook, Menendez, Craddick, Frullo, Geren, Harless, Hilderbran, Huberty, Oliveira, Solomons, Turner
- 0 nays
- 2 absent — Gallego, Smithee
- SENATE VOTE:** On final passage, March 21 — 30-0
- WITNESSES:** (*On House companion, HB 1870:*)  
For — (*Registered, but did not testify:* Rick Levy, Texas AFL-CIO; Royce Bicklein)
- Against — None
- On — (*Registered, but did not testify:* Jonathan Bow, Barbara Klein, State Office of Risk Management; Norman Darwin, Office of Injured Employee Counsel; Amy Lee, Texas Department of Insurance - Division of Workers Compensation)
- BACKGROUND:** Under current law, the time frame to file an appeal in district court for workers' compensation benefits depends on whether the benefits at issue are medical or income benefits. For medical benefits, an appeal must be filed by the 30th day after the decision of the hearings officer is final. For income benefits, an appeal must be filed within 45 days of when the Texas Department of Insurance (TDI) mails notice of the decision of the appeals panel. The timeline for income benefits was extended from 40 days to 45 days with the enactment of HB 4545 by Raymond in 2009 by the 81st Legislature, specifically in Labor Code, sec. 410.252(a).
- Sec. 410.252(d) states that if a suit is initially filed within the 40-day period in sec. 410.252(a), and is transferred to the proper court, the suit is considered to be timely filed in the court to which it is transferred.

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**DIGEST:** SB 809 would amend Labor Code, sec. 413.0311, to provide that a party seeking judicial review in a medical dispute would be required to file suit no later than the 45th day after the date when the workers' compensation division of TDI mailed the party the decision of the hearings officer. The mailing date would be considered the fifth day after the decision was filed with the workers' compensation division.

The bill would amend sec. 410.252(d) to provide that if a suit was initially filed within the 45-day period in sec. 410.252(a), and was transferred to the proper court, the suit would be considered to be timely filed in the court to which it was transferred.

The bill would take effect September 1, 2011 and would apply to a suit for judicial review filed on or after the effective date.

**NOTES:** The House companion, HB 1870 by Giddings, was considered in a public hearing on April 6 and reported favorably, as substituted, by the House State Affairs Committee on April 12.