

SUBJECT: Allowing virtual benefit review conferences for workers' compensation

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 7 ayes — C. Turner, Hefner, Crockett, Lambert, Ordaz Perez, Patterson, S. Thompson

0 nays

2 absent — Cain, Shine

WITNESSES: For — (*Registered, but did not testify:* Lee Ann Alexander, American Property and Casualty Insurance Association; Jay Thompson, Association of Fire and Casualty Companies of Texas; Cathy DeWitt, Jobs for Texas; Rene Lara, Texas AFL-CIO; Megan Herring, Texas Association of Business; John Wilkerson, Texas Municipal Police Association; Barbara Salyers, Texas Mutual Insurance Company; Bobby Hillert, Texas Orthopaedic Association; Jonathan Firebaugh; Jerod Kostecka)

Against — None

On — (*Registered, but did not testify:* Jessica Barta, Office of Injured Employee Counsel; Stephen Vollbrecht, State Office of Risk Management; Allen Craddock, Texas Department of Insurance-Division of Workers' Compensation)

BACKGROUND: Labor Code sec. 410.005(a), which governs the venue for administrative proceedings for Texas workers' compensation, establishes that unless the Texas Department of Insurance's Division of Workers' Compensation determines that good cause exists for the selection of a different location, a benefit review conference or a contested case hearing may not be conducted at a site more than 75 miles from the claimant's residence at the time of the injury. Under sec. 410.005(d), the division may conduct a benefit review conference telephonically on agreement of the injured employee.

Some have called for the state to provide added flexibility for holding benefit review conferences by allowing those conferences to be held in a virtual format.

DIGEST:

HB 1752 would allow the Texas Department of Insurance's Division of Workers' Compensation to conduct a benefit review conference by videoconference as an alternative to doing so telephonically or in person.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021, and would apply to a benefit review conference requested on or after that date.