

BILL ANALYSIS

Senate Research Center
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S.B. 942
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Business & Commerce
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DIGEST AND PURPOSE

S.B. 942 relieves an injured worker of liability of overpayment from workers compensation. Under this bill, a carrier is to obtain reimbursement from the subsequent injury fund and is not permitted to pursue a cause of action against an injured worker to recover the overpayment.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Workers' Compensation Commission in SECTION 1 (Section 410.209 Labor Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 410.209, Labor Code, as follows:

- (b) Provides that an insurance carrier that receives reimbursement under Subsection (a) does not have a cause of action against the injured employee for any further recovery regarding the overpayment.
- (c) Requires the commission to adopt rules as necessary to implement this section, including rules to provide for a periodic reimbursement schedule, providing for reimbursement at least annually.

SECTION 2. Amends Section 413.055, Labor Code, as follows:

Sec. 413.055. INTERLOCUTORY ORDERS; REIMBURSEMENT. (a) Provides that a party, that disputes an order entered under this subsection is entitled to a hearing conducted by the State Office of Administrative Hearings in the manner provided for a contested case under Chapter 2001, Government Code. Provides that the order is binding during the pendency of the appeal.

- (c) Provides that an insurance carrier that receives reimbursement under Subsection (b) does not have a cause of action against the injured employee for any further recovery regarding overpayment. Deletes language regarding entitlement to a hearing.

SECTION 3. Effective date: September 1, 2001.
Makes application of this Act prospective.