

BILL ANALYSIS

Senate Research Center
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H.B. 1005
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A provider of care for a workers' compensation injury forfeits his or her right to reimbursement if the claim for payment is filed later than the 95th day after the date the health care services were provided. In some cases, a doctor treating a workers' compensation injury will bill the wrong insurance carrier--either the employee's group health insurance carrier or the incorrect workers' compensation insurance carrier. By the time the mistake has been discovered, and the claim is re-filed with the right carrier, the deadline may have passed and the workers' compensation insurance carrier may deny payment.

H.B. 1005 provides that a health care provider of workers' compensation health care services does not forfeit his or her right to reimbursement if the claim for payment is timely filed, but erroneously filed with the wrong insurer. The bill also allows extension of the deadline by agreement of the parties or in catastrophic situations.

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 Subchapter B, Chapter 408, Labor Code, by adding Section 408.0272, as follows:

Sec. 408.0272. CERTAIN EXCEPTIONS FOR UNTIMELY SUBMISSION OF CLAIM. (a) Defines "group accident and health insurance" and "health maintenance organization."

(b) Provides that, notwithstanding Section 408.027, a health care provider who fails to timely submit a claim for payment to the insurance carrier under Section 408.027(a) does not forfeit the provider's right to reimbursement for that claim for payment solely for failure to submit a timely claim if certain conditions are satisfied.

(c) Provides that, notwithstanding Subsection (b), a health care provider who erroneously submits a claim for payment to an entity described by Subdivision (1) of that subsection forfeits the provider's right to reimbursement for that claim if the provider fails to submit the claim to the correct workers' compensation insurance carrier within 95 days after the date the provider is notified of the provider's erroneous submission of the claim.

(d) Authorizes the period for submitting a claim for payment to be extended by agreement of the parties notwithstanding any other provision of this section or Section 408.027.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.