

BILL ANALYSIS

C.S.H.B. 1774
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Legislature created the Office of Injured Employee Counsel (Office) in 2005 as an independent agency to represent the interests of workers' compensation claimants. To accomplish this mission, the office performs three functions: assisting unrepresented injured employees in navigating the Division of Workers' Compensation's dispute resolution process; advocating on behalf of injured employees as a class in rulemaking and judicial proceedings; and educating injured employees regarding the workers' compensation system.

The Office of Injured Employee Counsel is subject to the Sunset Act and will be abolished on September 1, 2011, unless continued by the Legislature. As a result of its review of the Office, the Sunset Commission recommended continuation of the agency for six years to coincide with the next Sunset review of the Division of Workers' Compensation, and two statutory modifications that are contained in this legislation.

RULEMAKING AUTHORITY

The Office of Injured Employee Counsel is not granted any new rulemaking authority in this bill.

ANALYSIS

Continues the Office for six years.

C.S.H.B. 1774 continues the Office of Injured Employee Counsel for six years.

Limits the Office's authority to access claim files for injured employees the Office is not directly assisting.

C.S.H.B. 1774 removes statutory language that excepts the Office from the confidentiality requirements surrounding claim file information and that directs the Division of Workers' Compensation to release such information to the Office. The bill adds language to clarify that the Office has access to individual claim information only when assisting an injured employee. C.S.H.B. 1774 provides that these changes in access apply to all claims for workers' compensation benefits regardless of whether the injury occurred before, on, or after the effective date of the bill.

Applies standard Sunset across-the-board recommendations.

C.S.H.B. 1774 includes standard Sunset language requiring the Office to maintain complaint information and notify the parties about policies for and status of complaints. The bill also requires the Office to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution.

Allows additional time for the Office to complete its legislative report.

C.S.H.B. 1774 extends the date the Office must provide its legislative report by one month; from December of an even-numbered year to January of an odd-numbered year.

The bill repeals the following statutory provision.

Labor Code, §404.111 (d)

EFFECTIVE DATE

September 1, 2011

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1774 adds language to further clarify that the Office has access to individual claim information only when assisting an injured employee. The substitute also specifies that the Division of Workers' Compensation must release the claim number along with other claim information upon request from the Office. The substitute also reinstates statutory language that was removed in the original version relating to when the Division of Workers' Compensation must release claim information and clarifies that the Office may only receive this information for a purpose outlined in §404.111(a). The substitute clarifies that these changes in information access apply to all claims, regardless of whether the compensable injury occurred before, on, or after the effective date of the bill.

C.S.H.B. 1774 adds a provision to allow the Office an additional month in preparing its legislative report.