

1-1 By: Oliverson, Thierry H.B. No. 1752
 1-2 (Senate Sponsor - Schwertner)
 1-3 (In the Senate - Received from the House May 3, 2021;
 1-4 May 4, 2021, read first time and referred to Committee on Business
 1-5 & Commerce; May 13, 2021, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; May 13, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to benefit review conferences under the Texas workers'
 1-21 compensation system.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Section 410.005, Labor Code, is
 1-24 amended to read as follows:

1-25 Sec. 410.005. CONDUCTING [~~VENUE FOR~~] ADMINISTRATIVE
 1-26 PROCEEDINGS.

1-27 SECTION 2. Section 410.005, Labor Code, is amended by
 1-28 amending Subsections (a) and (d) and adding Subsection (e) to read
 1-29 as follows:

1-30 (a) Unless the division determines that good cause exists
 1-31 for the selection of a different location, [~~a benefit review~~
 1-32 ~~conference or~~] a contested case hearing may not be conducted at a
 1-33 site more than 75 miles from the claimant's residence at the time of
 1-34 the injury.

1-35 (d) The [~~Notwithstanding Subsection (a), the~~] division may
 1-36 conduct a benefit review conference:

1-37 (1) telephonically;

1-38 (2) by videoconference; or

1-39 (3) in person, on showing of good cause as determined
 1-40 by the division [~~on agreement by the injured employee~~].

1-41 (e) Unless the division determines that good cause exists
 1-42 for the selection of a different location, a benefit review
 1-43 conference conducted in person under Subsection (d)(3) may not be
 1-44 conducted at a site more than 75 miles from the claimant's residence
 1-45 at the time of the injury.

1-46 SECTION 3. Section 410.005, Labor Code, as amended by this
 1-47 Act, applies to a benefit review conference requested on or after
 1-48 the effective date of this Act. A benefit review conference
 1-49 requested before the effective date of this Act is governed by the
 1-50 law in effect on the date the benefit review conference was
 1-51 requested, and the former law is continued in effect for that
 1-52 purpose.

1-53 SECTION 4. This Act takes effect immediately if it receives
 1-54 a vote of two-thirds of all the members elected to each house, as
 1-55 provided by Section 39, Article III, Texas Constitution. If this
 1-56 Act does not receive the vote necessary for immediate effect, this
 1-57 Act takes effect September 1, 2021.

1-58 * * * * *