



# CLIENT NEWSLETTER



THE LAW OFFICE OF RICKY D. GREEN, PLLC

March 1, 2013



The Legislature is currently in the 2013 session, and some legislators have proposed some bills that would affect workers' compensation in Texas.

Here are the workers' compensation related bills that have been filed to date. These bills have not reported out of the various committees, have not been scheduled for a full vote, and have not been signed off by the governor. Some of these bills may never see the light of day, but they are floating around right now.

**House Bill 475.** Proposed by Armando Walle of Houston, Texas. This bill requires a contractor to provide workers' compensation insurance for each of its employees, and also requires a subcontractor to provide workers' compensation insurance for the subcontractor's employees.

**House Bill 1032.** Proposed by John Zerwas of Richmond. The bill would require the Insurance Commissioner to develop a required, "single, standard form for requesting prior authorization of prescription drug benefits." The bill also provides that if there is no response to a request within two business days, "the prior authorization request is considered granted."

**House Bill 1155.** Proposed by John Smithee of Amarillo, Texas. The bill would allow insurance carriers to suspend all income benefits if a claimant fails to attend a designated doctor exam or post-designated doctor required medical exam. Currently, temporary income benefits are the only type of benefits that may be suspended. The Carrier would be allowed to suspend impairment income benefits, supplemental income benefits or possibly even lifetime income benefits until the Claimant submits to the exam. The bill was originally proposed in 2011 as House Bill 2088. It was approved by a House committee but was not scheduled for a vote by the full House.

**House Bill 1424.** Proposed by Joe Moody of El Paso, Texas. This bill allows "first responders" to sue a state or local governmental entity for a 451 (wrongful termination) action. Sovereign or governmental immunity is waived and abolished.

**House Bill 1468.** Proposed by Kenneth Sheets of Dallas, Texas. This bill would allow communication between an insurance carrier (and attorney) and the employer to be confidential and privileged. This bill directly addresses the XL Specialty Insurance Company/Cambridge case in which the Texas Supreme Court concluded that the communication between the carrier's attorney and the employer was not confidential and subject to discovery.

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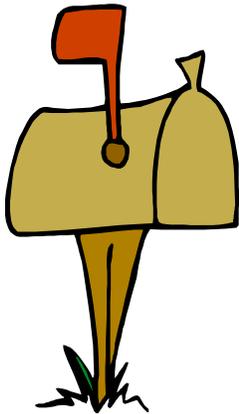


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Senate Bill 381. Proposed by Leticia Van de Putte of San Antonio, Texas. This bill seeks to clarify the prohibition regarding deceptive use of the name, logo, or symbols of the Division of Workers' Compensation. The legislation comes as a result of a lawsuit against the Division from John Gibson. Mr. Gibson, a claimant's attorney from Lubbock, has sued the Division because it ordered he stop blogging at [texasworkerscompblog.com](http://texasworkerscompblog.com). The Division contended that the web address violated provisions on misuse of the agency's name. The suit is still working its way through the legal system.

House Bill 1833 and Senate Bill 850. HB 1833 was proposed by Kenneth Sheets of Dallas and co-authored by Tryon Lewis of Odessa. SB 850 has been proposed by Larry Taylor of Friendswood. The bill would cut Texas Mutual Insurance Co.'s remaining ties to the Texas government. Texas Mutual would lose its federal tax exemption under the proposed bill. Texas Mutual would also be able to become licensed in other states. The bill would also relieve Texas Mutual of being solely responsible for insuring the state's assigned-risk market. Responsibility for that market would be shared among all of the workers' compensation insurers in the state.



**QUESTIONS? COMMENTS?** Have questions or comments about any of the stories in the newsletter or general questions about a workers' compensation matter? Drop us a line at [questions@rickydgreen.com](mailto:questions@rickydgreen.com), or give us a call at (512) 280-0055. We look forward to handling all of your workers' compensation needs.

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