

AN ACT

relating to the timely submission of a claim for payment by a workers' compensation health care provider.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 408, Labor Code, is amended by adding Section 408.0272 to read as follows:

Sec. 408.0272. CERTAIN EXCEPTIONS FOR UNTIMELY SUBMISSION OF CLAIM. (a) In this section:

(1) "Group accident and health insurance" has the meaning assigned by Chapter 1251, Insurance Code.

(2) "Health maintenance organization" has the meaning assigned by Chapter 843, Insurance Code.

(b) 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:

(1) the provider submits proof satisfactory to the commissioner that the provider, within the period prescribed by Section 408.027(a), erroneously filed for reimbursement with:

(A) an insurer that issues a policy of group accident and health insurance under which the injured employee is a covered insured;

(B) a health maintenance organization that

1 issues an evidence of coverage under which the injured employee is a
2 covered enrollee; or

3 (C) a workers' compensation insurance carrier
4 other than the insurance carrier liable for the payment of benefits
5 under this title; or

6 (2) the commissioner determines that the failure
7 resulted from a catastrophic event that substantially interfered
8 with the normal business operations of the provider.

9 (c) Notwithstanding Subsection (b), a health care provider
10 who erroneously submits a claim for payment to an entity described
11 by Subdivision (1) of that subsection forfeits the provider's right
12 to reimbursement for that claim if the provider fails to submit the
13 claim to the correct workers' compensation insurance carrier within
14 95 days after the date the provider is notified of the provider's
15 erroneous submission of the claim.

16 (d) Notwithstanding any other provision of this section or
17 Section 408.027, the period for submitting a claim for payment may
18 be extended by agreement of the parties.

19 SECTION 2. Section 408.0272, Labor Code, as added by this
20 Act, applies to a claim for payment relating to health care services
21 rendered on or after the effective date of this Act. A claim for
22 payment relating to health care services rendered before the
23 effective date of this Act is governed by the law in effect
24 immediately before the effective date of this Act, and the former
25 law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect September 1, 2007.

H.B. No. 1005

David Venturi

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1005 was passed by the House on April 25, 2007, by the following vote: Yeas 141, Nays 4, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1005 was passed by the Senate on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Daisy Spaw

Secretary of the Senate

APPROVED:

15 JUN 07

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

Roger Winnie
JUN 15 2007
Secretary of State