

AN ACT

relating to benefits provided under the workers' compensation system, including fee guidelines for medical benefits and payment of benefits under interlocutory orders.

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

SECTION 1. Section 410.032, Labor Code, is amended to read as follows:

Sec. 410.032. PAYMENT OF BENEFITS UNDER INTERLOCUTORY ORDER. (a) The [~~As designated by the commissioner, division staff, other than the~~] benefit review officer who presides [~~presided or will preside~~] at the benefit review conference~~(7)~~ shall consider a request for an interlocutory order and shall give the opposing party the opportunity to respond before issuing [~~issue~~] an interlocutory order [~~if determined to be appropriate~~].

(b) The interlocutory order may address the payment or suspension of accrued benefits, future benefits, or both accrued benefits and future benefits.

SECTION 2. Section 413.011, Labor Code, is amended by amending Subsection (d) and adding Subsections (d-1) through (d-6) to read as follows:

(d) Fee guidelines must be fair and reasonable and designed to ensure the quality of medical care and to achieve effective medical cost control. The guidelines may not provide for payment of a fee in excess of the fee charged for similar treatment of an

1 injured individual of an equivalent standard of living and paid by
2 that individual or by someone acting on that individual's behalf.
3 The commissioner shall consider the increased security of payment
4 afforded by this subtitle in establishing the fee guidelines.

5 (d-1) Notwithstanding Subsections (b) through (d) and
6 Section 413.016 [~~or any other provision of this title~~], an
7 insurance carrier may pay fees to a health care provider that are
8 inconsistent with the fee guidelines adopted by the division if the
9 insurance carrier, or a network under Chapter 1305, Insurance Code,
10 arranging out-of-network services under Section 1305.006,
11 Insurance Code, has a contract with the health care provider and
12 that contract includes a specific fee schedule. An insurance
13 carrier or the carrier's authorized agent may use an informal or
14 voluntary network, as those terms are defined by Section 413.0115,
15 to obtain a contractual agreement that provides for fees different
16 from the fees authorized under the division's fee guidelines. If a
17 carrier or the carrier's authorized agent chooses to use an
18 informal or voluntary network to obtain a contractual fee
19 arrangement, there must be a contractual arrangement between:

20 (1) the carrier or authorized agent and the informal
21 or voluntary network that authorizes the network to contract with
22 health care providers on the carrier's behalf; and

23 (2) the informal or voluntary network and the health
24 care provider that includes a specific fee schedule and complies
25 with the notice requirements established under Subsection (d-2).

26 (d-2) An informal or voluntary network, or the carrier or
27 the carrier's authorized agent, as appropriate, shall notify each

1 health care provider of any person that is given access to the
2 network's fee arrangements with that health care provider within
3 the time and according to the manner provided by commissioner rule.

4 (d-3) An insurance carrier shall provide copies of each
5 contract described by Subsection (d-1) to the division on the
6 request of the division. Information included in a contract under
7 Subsection (d-1) is confidential and is not subject to disclosure
8 under Chapter 552, Government Code. For medical fee disputes that
9 arise regarding non-network and out-of-network care, the division
10 may request that copies of each contract under which fees are being
11 paid be submitted to the division for review. Notwithstanding
12 Subsection (d-1) or Section 1305.153, Insurance Code, the insurance
13 carrier may be required to pay fees in accordance with the
14 division's fee guidelines if the contract:

15 (1) is not provided in a timely manner to the division
16 on the division's request;

17 (2) does not include a specific fee schedule
18 consistent with Subsection (d-1); and

19 (3) does not:

20 (A) clearly state that the contractual fee
21 arrangement is between the health care provider and the named
22 insurance carrier or the named insurance carrier's authorized
23 agent; or

24 (B) comply with the notice requirements under
25 Subsection (d-2).

26 (d-4) Notwithstanding this section or any other provision
27 of this title, an insurance carrier, an insurance carrier's

1 authorized agent, or a network certified under Chapter 1305,
2 Insurance Code, arranging for non-network services or
3 out-of-network services under Section 1305.006, Insurance Code,
4 may continue to contract with a health care provider to secure
5 health care for an injured employee for fees that exceed the fees
6 adopted by the division under this section.

7 (d-5) The commissioner and the commissioner of insurance
8 may adopt rules as necessary to implement this section.

9 (d-6) Subsections (d-1) through (d-3) and this subsection
10 expire January 1, 2011.

11 SECTION 3. Subchapter B, Chapter 413, Labor Code, is
12 amended by adding Section 413.0115 to read as follows:

13 Sec. 413.0115. REQUIREMENTS FOR CERTAIN VOLUNTARY OR
14 INFORMAL NETWORKS. (a) In this section:

15 (1) "Informal network" means a health care provider
16 network described by Section 413.011(d-1) that:

17 (A) is established under a contract between an
18 insurance carrier and health care providers; and

19 (B) includes a specific fee schedule.

20 (2) "Voluntary network" means a voluntary workers'
21 compensation health care delivery network established by an
22 insurance carrier under former Section 408.0223, as that section
23 existed before repeal by Chapter 265, Acts of the 79th Legislature,
24 Regular Session, 2005.

25 (b) Not later than January 1, 2011, each informal network or
26 voluntary network must be certified as a workers' compensation
27 health care network under Chapter 1305, Insurance Code.

1 (c) Effective September 1, 2007, each informal network and
2 voluntary network must provide the following information to the
3 division:

4 (1) an executive contact for official correspondence
5 for the network;

6 (2) a toll-free telephone number by which a health
7 care provider may contact the informal network or voluntary
8 network;

9 (3) a list of each insurance carrier with whom the
10 network contracts; and

11 (4) a list of each entity associated with the network
12 working on behalf of the insurance carrier, including contact
13 information for each entity.

14 (d) Each informal network and voluntary network shall
15 report any changes to the information provided under Subsection (c)
16 to the division not later than the 30th day after the effective date
17 of the change.

18 SECTION 4. Section 410.032, Labor Code, as amended by this
19 Act, applies only to a request for an interlocutory order made in
20 conjunction with a workers' compensation benefit review conference
21 that is conducted by a benefit review officer on or after the
22 effective date of this Act. A request made before that date is
23 governed by the law in effect on the date the request is made, and
24 the former law is continued in effect for that purpose.

25 SECTION 5. (a) Section 413.011(d-4), Labor Code, as added
26 by this Act, takes effect January 1, 2011.

27 (b) Except as provided by Subsection (a) of this section,

H.B. No. 473

1 this Act takes effect September 1, 2007.

David Dewhurst Jim Caddick
President of the Senate Speaker of the House

I certify that H.B. No. 473 was passed by the House on April 4, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 473 on May 25, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Honey
Chief Clerk of the House

I certify that H.B. No. 473 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0.

Antony Spaw
Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry
Governor

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

Roger Williams
Secretary of State