

AN ACT

relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.

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

SECTION 1. Subchapter A, Chapter 415, Labor Code, is amended by adding Section 415.0036 to read as follows:

Sec. 415.0036. ADMINISTRATIVE VIOLATION BY PERSON PERFORMING CERTAIN CLAIM SERVICES. (a) This section applies to an insurance adjuster, case manager, or other person who has authority under this title to request the performance of a service affecting the delivery of benefits to an injured employee or who actually performs such a service, including peer reviews, performance of required medical examinations, or case management.

(b) A person described by Subsection (a) commits an administrative violation if the person offers to pay, pays, solicits, or receives an improper inducement relating to the delivery of benefits to an injured employee or improperly attempts to influence the delivery of benefits to an injured employee, including through the making of improper threats. This section applies to each person described by Subsection (a) who is a participant in the workers' compensation system of this state and to an agent of such a person.

(c) A violation under this section is a Class A

1 administrative violation.

2 SECTION 2. (a) The change in law made by this Act applies  
3 only to the punishment for a violation occurring on or after the  
4 effective date of this Act. For purposes of this section, a  
5 violation is committed before the effective date of this Act if any  
6 element of the violation occurs before the effective date.

7 (b) A violation committed before the effective date of this  
8 Act is governed by the law in effect on the date the violation was  
9 committed, and the former law is continued in effect for that  
10 purpose.

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

David Newburn

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 34 was passed by the House on March 28, 2007, by the following vote: Yeas 140, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 34 on May 10, 2007, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Robert Nancy  
Chief Clerk of the House

I certify that H.B. No. 34 was passed by the Senate, with amendments, on May 8, 2007, by the following vote: Yeas 31, Nays 0.

Patsy Saw  
Secretary of the Senate

APPROVED: 24 MAY 07

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:45 PM O'CLOCK

MAY 24 2007

Roger Hummel