

# Office of Injured Employee Counsel

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## Summary

The Legislature created the Office of Injured Employee Counsel (Office) in 2005 as an independent agency to represent the interests of workers' compensation claimants. To achieve its mission, the Office assists unrepresented injured employees in navigating the Division of Workers' Compensation's (DWC's) dispute resolution process, advocates on behalf of injured employees as a class in rulemaking and judicial proceedings, and educates injured employees regarding the Texas workers' compensation system.

House Bill 1774 continues the Office of Injured Employee Counsel for six years to coincide with the next review of DWC. The Legislature adopted all of the Sunset Commission's recommendations and added two other provisions to H.B. 1774. A discussion of the bill's major provisions follows.

## Sunset Provisions

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### **1. Continue the Office of Injured Employee Counsel for six years.**

House Bill 1774 continues the Office as an independent agency for six years, instead of the standard 12 years. The shorter continuation date coincides with that of the Division of Workers' Compensation, giving the Legislature the opportunity to monitor the ongoing implementation of major reforms from 2005. In addition, the bill applies standard Sunset across-the-board requirements including requiring the Office to develop a policy that encourages the use of negotiated rulemaking and alternative dispute resolution. The bill also adds standard Sunset language requiring the Office to maintain information on all complaints and notify the parties about policies for and status of complaints.

### **2. Limit the Office's authority to access claim files for injured employees the Office is not directly affecting.**

House Bill 1774 removes existing language that exempts the Office from the confidentiality requirements surrounding claim file information and that directs the Division of Workers' Compensation to release such information to the Office. The bill also removes language granting the Office broad access to information from all executive agencies. The Legislature modified these Sunset provisions to clarify that the Office has access to claim information when assisting an injured employee, specify that claim information includes the claim number, and apply these changes in information access to all pending and future claims before the Office.

## Provisions Added by the Legislature

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**3. Allow the Office of Injured Employee Counsel an additional month in preparing its legislative report.**

House Bill 1774 amends current law to allow the Office an additional month in preparing its legislative report – a document that includes a description of the Office’s activities and identifies problems within the workers’ compensation system – as the Office is dependent on information compiled by the Division of Workers’ Compensation.

**4. Allow the Office of Injured Employee Counsel to seek and receive grants to fulfill the agency’s mission.**

## Fiscal Implication Summary

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House Bill 1774 will not have a significant fiscal impact to the State.