

APPEAL NO. 132919
FILED FEBRUARY 18, 2014

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 15, 2013, with the record closing on November 4, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) neither the appellant (carrier) nor the employer properly provided respondent 1 (claimant) with the information required by Texas Insurance Code Section 1305.451; (2) the Texas Department of Insurance, Division of Workers' Compensation (Division) does not have jurisdiction to determine if the claimant is required to comply with the network requirements; and (3) therefore, the issue regarding whether the claimant is required to comply with the network requirements cannot be determined. The carrier appeals the hearing officer's determination that neither the carrier nor the employer properly provided the claimant with the information required by Insurance Code Section 1305.451, contending that the information provided to the claimant by the employer satisfied the requirements of the statutes and rules. Respondent 2 (subclaimant) responded, urging affirmance of the disputed determination. The appeal file does not contain a response from the claimant to the carrier's appeal. The hearing officer's determination that the Division does not have jurisdiction to determine if the claimant is required to comply with the network requirements, and therefore, the issue regarding whether the claimant is required to comply with the network requirements cannot be determined was not appealed and has become final pursuant to Section 410.169.

DECISION

Reversed and rendered.

Insurance Code Section 1305.451(a) states that an insurance carrier that establishes or contracts with a network shall provide to employers, and the employer shall provide to its employees, an accurate written description of the terms and conditions for obtaining health care within the network's service area. Additionally, Insurance Code Section 1305.451(b) contains specific requirements regarding the description that must be provided to employees.

The evidence establishes that the claimant was hired by the employer on June 11, 2010. The evidence further indicates that on the date of hire, the claimant signed a Workers' Compensation Health Care Network Employee Acknowledgement Form and received an information packet entitled Important Information for Employees Regarding Medical Treatment for a Work-Related Injury or Illness which contained all of the information required by Insurance Code Section 1305.451. The hearing officer, in the

Background Information section of her decision, stated that the evidence did not establish that the information provided to the claimant contained a list of network providers as required in Insurance Code Section 1305.451(b)(12). However, the evidence shows that an electronic link to the provider list is provided to the claimant on page two of the information packet. Furthermore, 28 TEX. ADMIN. CODE § 10.60(c)(3) (Rule 10.60(c)(3)) provides that the notice of network requirements may be in an electronic format provided a paper version is available upon request. The evidence does not indicate that the claimant requested a paper version from the carrier or the employer.

In this case, since the evidence indicates that the information provided to the claimant satisfied the requirements in Insurance Code Section 1305.451, we reverse the hearing officer's determination that neither the carrier nor the employer properly provided the claimant with the information required by Insurance Code Section 1305.451, and we render a new decision that the employer properly provided the claimant with the information required by Insurance Code Section 1305.451.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
d/b/a CSC-LAWYERS INCORPORATING SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Cristina Beceiro
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge