

§276.12. Procedures for Private Meetings with Unrepresented Injured Employees Prior to a Workers' Compensation Proceeding.

- (a) An ombudsman shall meet privately with an unrepresented injured employee for a minimum of 15 minutes prior to each benefit review conference and benefit contested case hearing.
- (b) The 15-minute private meeting shall include:
 - (1) an overview of the dispute resolution process, and
 - (2) a review of the injured employee's disputed issues and applicable workers' compensation laws, rules, and appeals panel decisions.
- (c) The ombudsman shall request the benefit review officer or contested case hearing officer to recess the proceeding to allow for the private meeting pursuant to Labor Code §404.151(b)(5) if the ombudsman becomes aware that the unrepresented injured employee has not met with an ombudsman for a minimum of 15 minutes prior to the proceeding.
- (d) If the injured employee refuses to attend the required meeting prior to a benefit review conference or a contested case hearing, the injured employee shall acknowledge such refusal in writing. If the injured employee refuses to sign the acknowledgement, the ombudsman shall request that:
 - (1) the injured employee receive a copy of Texas Labor Code §404.151, and
 - (2) the benefit review officer make a notation of the injured employee's refusal in the claim file or that the contested case hearing officer note such refusal in the hearing record.

The provisions of §276.12 are adopted to be effective August 28, 2006, 31 TexReg 6515.