
TEXAS WORKERS COMPENSATION CLAIM HANDLING CHANGES

On June 29, 2012, the Texas Supreme Court issued In RE: XL Specialty Ins. Co., et al., a decision that will have an impact on the handling of workers compensation claims in Texas. The Court held that the sharing of defense counsel communications with an employer-insured waived the attorney-client privilege, and rendered the information discoverable by the claimant. As a result of this case, Travelers needs to make certain changes to its procedures for handling Texas workers compensation claims. These changes are required to ensure that Travelers is in compliance with Texas law.

Employer-Insured: Employers insured under a Travelers workers compensation policy will not be provided any defense counsel strategy or defense counsel communications from Travelers or from any third-party administrator handling claims under a Travelers policy. This restriction will apply regardless of deductible or self-funded retention amounts. Travelers claim professionals adjusting workers compensation claims in Texas will not provide any defense counsel strategy or defense counsel communications to Texas employer-insureds, brokers or agents. This prohibition includes discussion of defense counsel strategy and defense counsel communications during file reviews or inquiries to our Claim Account Executives.

Third-Party Administrators: Third-party administrators handling claims arising under a Travelers primary workers compensation policy will be required to adhere to the claim handling and documentation procedures outlined above.

Certified Self-Insured Employers: Travelers and its third-party administrators will continue to share claim information with Certified Self-Insured Employers for whom we provide third party administration services.

If you have additional questions or follow-up inquiries regarding this notice, please contact your local claim office or Claim Account Executive.

