

2013 ADR LEGISLATION

HOUSE BILLS

HB 33 – Rep. José Menéndez (D-San Antonio) – Jim Hine called about this bill

Relating to alternative methods of dispute resolution in certain disputes between the Department of Aging and Disability Services and an assisted living facility licensed by the department.

It directs the Health and Human Services Commission to establish by rule an informal dispute resolution process *to address disputes between a facility and the department as a result of a survey re-view conducted by the department . . .* The bill amends Chapter 247, TEXAS HEALTH AND SAFETY CODE, to provide that an affected facility may elect binding arbitration with respect to a dispute involving renewal of a license, suspension or revocation of a license, assessment of a civil penalty or assessment of an administrative penalty.

The arbitration and the appointment of the arbitrator shall be conducted in accordance with rules adopted by the chief administrative law judge of the State Office of Administrative Hearings, who shall consider appropriate rules developed by any nationally recognized association that performs arbitration services. The party that elects arbitration must pay the cost of the arbitration; total fees and expenses paid for an arbitrator may not exceed \$1,000 *per diem*.

SOAH may designate and contract with a nationally recognized association to conduct arbitrations under this sub-chapter. The subchapter goes on to specify the arbitration procedures.

HB 167 McClendon

Relating to the establishment, operation, and funding of victim-offender mediation programs.

HB 937 Farias

Relating to establishing a restorative justice pilot program for juvenile offenders in certain counties. (including victim-offender mediation)

HB 1031 Lewis Companion: **SB 399**, Hancock

Relating to the confidentiality of certain communications involving an ombudsman program established by an employer as an alternative dispute resolution service.

HB 1239 Giddings Companion: **SB 719**, West

Relating to fees charged by certain entities administering alternative dispute resolution systems for counties.

HB 1407 Smithee

Relating to third-party property damage claims under private passenger automobile insurance policies.

HB 1408 Smithee Companion: **SB 18**, Carona

Relating to dispute resolution for certain claims arising under insurance policies issued by the Fair Access to Insurance Requirements (FAIR) Plan Association; authorizing fees.

HB 1512 Lewis

Relating to referral of disputes for alternative dispute resolution, including victim-directed referrals; authorizing a fee.

HB 1692 Gutierrez

Relating to the regulation of motor vehicle dealers, manufacturers, and distributors.

HB 2057 Allen

Relating to alternative dispute resolution methods regarding educational services for students with disabilities, including individualized education program facilitation.

HB 2080 Thompson, Senfronia Companion: **SB 647**, Rodriguez

Relating to guardianships, including the assessment and payment of attorney's fees and other court costs in guardianships, and to court-created management trusts for persons who have physical disabilities or who are incapacitated. (mediation of contested guardianship)

HB 2107 Dutton

Relating to the continuation and functions of the Texas Facilities Commission; authorizing fees.

HB 2151 Giddings

Relating to a grant program to promote good citizenship and anger management. (including mediation programs)

HB 2956 Smithee

Relating to certain binding arbitration provisions in certain insurance and health benefit plan coverage documents.

HB 3270 Smithee

Relating to preferred provider and exclusive provider network regulations; providing administrative sanctions and penalties.

HB 3355 Cook

Relating to cable operators' attachments on distribution poles owned or controlled by electric cooperatives. (negotiation and mediation for pole attachment contracts)

HB 3470 Bohac

Relating to a disclosure by an attorney before accepting representation of a client in a suit for the dissolution of marriage. (inform about ADR)

HB 3691 Anchia Companion: **SB 1202**, West

Relating to an order to conduct mediation following an application for expedited judicial foreclosure proceedings.

SENATE BILLS

SB 296 Deuell Companion: **HB 586**, Workman

Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.

SB 542 Watson Companion: **HB 2057**, Allen

Relating to alternative dispute resolution methods regarding educational services for students with disabilities, including individualized education program facilitation.

SB 591 Van de Putte Companion: **HB 1358**, Hunter

Relating to procedures for certain audits of pharmacists and pharmacies (allowing mediation in audits)