



# Texas Nonsubscriber Defense

## TEXAS NONSUBSCRIBER DEFENSE

The terms “Nonsubscription” and “Nonsubscriber” refer to businesses that elect to opt out of the Texas Workers’ Compensation System. The option to be a nonsubscriber has existed in Texas since the inception of workers compensation in 1913. However, many businesses did not operate as nonsubscribers until the 1980s.

The nonsubscribing employers represented by our nonsubscriber practice group provide their employees with an ERISA Plan with defined benefits to cover on-the-job injury claims. This allows the employer to have more control over the medical care provided to the injured employee. Further, the employees of nonsubscribers tend to return to work sooner following an on-the-job injury than the employees who are treated within the workers’ compensation system. At the same time, the premiums for the employers’ liability insurance coverage for nonsubscribing employers tend to be significantly lower than the premiums for workers’ compensation; thereby providing the employer with a competitive advantage in the market place.

Our Texas Nonsubscriber practice focuses on providing legal advice and representation to nonsubscribing employers. The practice group specializes in the defense of lawsuits brought by the employees of nonsubscribers and has almost 20 years of combined experience in this highly specialized practice. Specifically, this group has extensive experience representing Texas employers in both on-the job injury claims, and claims for benefits under the federal ERISA statute. This practice includes representation of nonsubscribing employers in United States District Court, Texas District and County Courts and arbitration tribunals throughout the State of Texas. In addition, our group has successfully represented nonsubscribing employers in various courts of appeal, including the Texas Supreme Court.