

**SUBCHAPTER G. WORKERS' COMPENSATION INSURANCE**  
**DIVISION 1. SALE OF SUBSTITUTES TO WORKERS' COMPENSATION INSURANCE**  
**28 TAC §5.6302**

**INTRODUCTION.** The Commissioner of Insurance adopts the repeal of 28 TAC §5.6302, relating to the sale of substitutes to workers' compensation insurance. The repeal is adopted without changes to the proposed text published in the October 29, 2021, issue of the *Texas Register* (46 TexReg 7357).

**REASONED JUSTIFICATION.** The repeal of 28 TAC §5.6302 is necessary because House Bill 3769, 87th Legislature, 2021, added Insurance Code Chapter 564, which requires disclosures similar to §5.6302, making the rule redundant and obsolete. Section 5.6302 is no longer needed because each provision in it is now superseded or addressed by statute. Insurance Code §541.051, which prohibits misrepresenting the terms, benefits, or advantages of a policy, already addresses the requirements in §5.6302(a). New Insurance Code §564.005 supersedes the disclosures required by §5.6302(b) and (d). In addition, the disclosure required by §5.6302(c) is redundant because Labor Code §406.005 requires a similar notice to employees.

**SUMMARY OF COMMENTS AND AGENCY RESPONSE.**

**Commenter:** TDI received one comment from the Texas Association of Health Plans.

**Comment.** The commenter supports the proposed repeal because it will reduce unnecessary consumer confusion and burdens on health care plan issuers.

**Agency Response.** No change is necessary.

# 2021-7130

TITLE 28. INSURANCE  
Part I. Texas Department of Insurance  
Chapter 5. Property and Casualty Insurance

Adopted Repeal  
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**STATUTORY AUTHORITY.** The Commissioner adopts the repeal of §5.6302 under Insurance Code §564.006 and Insurance Code §36.001.

Insurance Code §564.006 provides that the Commissioner adopt rules necessary to implement Chapter 564.


Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

## TEXT.


### §5.6302. Sale of Substitutes to Workers' Compensation Insurance.

**CERTIFICATION.** This agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on December 28, 2021.

DocuSigned by:  
  
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James Person, General Counsel  
Texas Department of Insurance

The Commissioner adopts the repeal of 28 TAC §5.6302.

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Cassie Brown  
Commissioner of Insurance

Commissioner's Order No. 2021-7130