

**State:** Texas **Filing Company:** National Council on Compensation Insurance, Inc.  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
**Product Name:** 01-TX-2023 Revisions to Forms Manual Forms and Endorsements Applicable in Texas and Basic Manual Rules Related to the Texas Group Purchase Program  
**Project Name/Number:** /

## Filing at a Glance

Company: National Council on Compensation Insurance, Inc.  
Product Name: 01-TX-2023 Revisions to Forms Manual Forms and Endorsements Applicable in Texas and Basic Manual Rules Related to the Texas Group Purchase Program  
State: Texas  
TOI: 16.0 Workers Compensation  
Sub-TOI: 16.0004 Standard WC  
Filing Type: Rate/Rule  
Date Submitted: 02/21/2023  
SERFF Tr Num: NCCI-133568073  
SERFF Status: Assigned  
State Tr Num: S709110  
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Co Tr Num: 01-TX-2023 RULE  
Effective Date: 07/01/2023  
Requested (New):  
Effective Date: 07/01/2023  
Requested (Renewal):  
Author(s): Lesley O'Brien, Nancy Mattei, Tyler Santos, Andrew Scott, Mario Morales  
Reviewer(s): David Boon (primary), Connie Adams, David Trautman  
Disposition Date:  
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Effective Date (New):  
Effective Date (Renewal):  
State Filing Description:  
WC 1  
Intake: Associated Filing - NCCI-133567998 (PF)  
Replacement - S692689 (RT/RU) B-1444

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## General Information

Project Name: Status of Filing in Domicile:  
Project Number: Domicile Status Comments:  
Reference Organization: Reference Number:  
Reference Title: Advisory Org. Circular:  
Filing Status Changed: 02/22/2023  
State Status Changed: 02/22/2023 Deemer Date:  
Created By: Nancy Mattei Submitted By: Nancy Mattei  
Corresponding Filing Tracking Number: NCCI-133567998  
State TOI: Workers Compensation State Sub-TOI: Workers Compensation

### Filing Description:

This item revises NCCI's Forms Manual of Workers Compensation and Employers Liability Insurance (Forms Manual) to:

- establish the countrywide Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04 A) for use in Texas
- withdraw the countrywide Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04) in Texas
- revise the Texas Amendatory Endorsement (WC 42 03 01 K)
- eliminate the Texas—Audit Premium and Retrospective Premium Endorsement (WC 42 04 07)
- revise the Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form (GPP-1B), and
- revise the Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form (GPP-2B).

This item also revises several rules related to the Texas group purchase program in NCCI's Basic Manual for Workers Compensation and Employers Liability Insurance for Texas (Basic Manual for Texas).

## Company and Contact

### Filing Contact Information

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North Little Rock, AR 72116

### Filing Company Information

National Council on Compensation Insurance, Inc.	CoCode:	State of Domicile: Florida
901 Peninsula Corporate Circle	Group Code:	Company Type:
Boca Raton, FL 33487	Group Name:	State ID Number:
(561) 893-3186 ext. [Phone]	FEIN Number: 65-0439698	

**State:** Texas **Filing Company:** National Council on Compensation Insurance, Inc.  
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**Product Name:** 01-TX-2023 Revisions to Forms Manual Forms and Endorsements Applicable in Texas and Basic Manual Rules Related to the Texas Group Purchase Program  
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## Filing Fees

### State Fees

Fee Required? No

Retaliatory? No

Fee Explanation:

### State Specific

- [PII] Does this filing contain any personally identifiable information (PII)? (See SERFF General Instructions for the definition and examples of PII.) Answer either YES or NO:: No
- [Associated filing] Provide the TDI file number or SERFF tracking number for all associated filings:: NCCI-133567998
- [Deemer date] Do you waive the deemer for form, endorsement, and certificate of insurance filings under 28 TAC 5.9325? Answer either YES or NO:: Yes
- Do you waive the limits on requests for information for rate/rule filings under 28 TAC 5.9336? Answer either YES or NO:: Yes
- [Replacement number] Provide the TDI file number or SERFF tracking number of the previously approved forms and endorsements or accepted rates, rules, or rate/rules that you are replacing:: S692689
- [Reference/adopt] Provide the TDI file number or SERFF tracking number that contains approved forms and endorsements or accepted rates, rules, or rate/rules that you are referencing/adopting.: N/A
- [Interline] State if this is an interline filing and list all lines of insurance the endorsement or rate/rules applies to.: N/A
- [Dual] For dual filings (monoline and multi-peril) state if this is a new program. If not, provide the TDI file number or SERFF tracking number for either the previous dual filing, or the previous monoline and multi-peril filings approved for this program:: N/A
- [Policy form] What policy form do these endorsements and forms go with? List the TDI file number or SERFF tracking number where the policy form was approved or referenced:: N/A
- [RPG] Will this filing be used for a Risk Purchasing Group? Answer either YES or NO. If yes, provide the name:: No

SERFF Tracking #:

NCCI-133568073

State Tracking #:

S709110

Company Tracking #:

01-TX-2023 RULE

State: Texas

Filing Company:

National Council on Compensation Insurance, Inc.

TOI/Sub-TOI: 16.0 Workers Compensation/16.0004 Standard WC

Product Name: 01-TX-2023 Revisions to Forms Manual Forms and Endorsements Applicable in Texas and Basic Manual Rules Related to the Texas Group Purchase Program

Project Name/Number: /

### Rate Information

Rate data applies to filing.

Filing Method:

Rate Change Type: Neutral

Overall Percentage of Last Rate Revision: 0.000%

Effective Date of Last Rate Revision:

Filing Method of Last Filing: 0

SERFF Tracking Number of Last Filing: 0

### Company Rate Information

Company Name:	Overall % Indicated Change:	Overall % Rate Impact:	Written Premium Change for this Program:	Number of Policy Holders Affected for this Program:	Written Premium for this Program:	Maximum % Change (where req'd):	Minimum % Change (where req'd):
National Council on Compensation Insurance, Inc.	0.000%	0.000%	\$0	0	\$0	0.000%	0.000%

SERFF Tracking #:

NCCI-133568073

State Tracking #:

S709110

Company Tracking #:

01-TX-2023 RULE

State:

Texas

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Product Name:

01-TX-2023 Revisions to Forms Manual Forms and Endorsements Applicable in Texas and Basic Manual Rules Related to the Texas Group Purchase Program

Project Name/Number:

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## Rate/Rule Schedule

Item No.	Schedule Item Status	Exhibit Name	Rule # or Page #	Rate Action	Previous State Filing Number	Attachments
1		01-TX-2023-Rule Exhibit 7	Rule ID: BM-TXPP-ADE0E	Replacement	B-1444	01-TX-2023-RULE Exhibit 7.pdf

**ITEM 01-TX-2023—REVISIONS TO FORMS MANUAL FORMS AND ENDORSEMENTS APPLICABLE IN TEXAS AND BASIC MANUAL RULES RELATED TO THE TEXAS GROUP PURCHASE PROGRAM**

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**Exhibit 7-RULE  
Basic Manual—Effective 2021—Texas****Application form****Rule ID: BM-TXPP-ADE0E***Effective Date: ~~April 1, 2022~~ July 1, 2023*

Prior to a group's formation, ~~an application form (Form GPP-1B)~~ the form Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form must be completed and submitted to the Department at least 60 days prior to the proposed start-up date of the group.

**Renewal form****Rule ID: BM-TXPP-R8E6D***Effective Date: ~~April 1, 2022~~ July 1, 2023*

For existing groups, a renewal application form Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form (Form GPP-2B) must be completed and submitted to the Department at least 30 days prior to each renewal date or the predetermined premium discount evaluation date.

**Submission of forms, plans, reports, and applications****Rule ID: BM-TXPP-SFB43***Effective Date: ~~April 1, 2022~~ July 1, 2023*

The group must submit the completed application form Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form (GPP-1B) or renewal application form Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form (GPP-2B), the Plan of Operation, and the final report to the ~~address below~~ Texas Department of Insurance (TDI). Refer to the application and renewal application forms for the mailing address and email for TDI.

Texas Department of Insurance  
WC Group Purchase Program  
Mail Code PC-PCL  
PO Box 12030  
Austin, TX 78711-2030

Email: [PropertyCasualty@tdi.texas.gov](mailto:PropertyCasualty@tdi.texas.gov)

**State:** Texas **Filing Company:** National Council on Compensation Insurance, Inc.  
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**Product Name:** 01-TX-2023 Revisions to Forms Manual Forms and Endorsements Applicable in Texas and Basic Manual Rules Related to the Texas Group Purchase Program  
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## Supporting Document Schedules

<b>Bypassed - Item:</b>	Does this filing contain confidential information?
<b>Bypass Reason:</b>	N/A
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Bypassed - Item:</b>	Exhibit A
<b>Bypass Reason:</b>	N/A
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Bypassed - Item:</b>	Exhibit C
<b>Bypass Reason:</b>	N/A
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Satisfied - Item:</b>	Filing Memorandum (Rates/Rules)
<b>Comments:</b>	
<b>Attachment(s):</b>	01-TX-2023 Memorandum.pdf
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Satisfied - Item:</b>	Side by Side
<b>Comments:</b>	
<b>Attachment(s):</b>	01-TX-2023-RULE Side_by_side.pdf
<b>Item Status:</b>	
<b>Status Date:</b>	

## FILING MEMORANDUM

### ITEM 01-TX-2023—REVISIONS TO FORMS MANUAL FORMS AND ENDORSEMENTS APPLICABLE IN TEXAS AND BASIC MANUAL RULES RELATED TO THE TEXAS GROUP PURCHASE PROGRAM

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#### PURPOSE

This item revises NCCI's *Forms Manual of Workers Compensation and Employers Liability Insurance (Forms Manual)* to:

- establish the countrywide Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04 A) for use in Texas
- withdraw the countrywide Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04) in Texas
- revise the Texas Amendatory Endorsement (WC 42 03 01 K)
- eliminate the Texas—Audit Premium and Retrospective Premium Endorsement (WC 42 04 07)
- revise the Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form (GPP-1B), and
- revise the Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form (GPP-2B).

This item also revises several rules related to the Texas group purchase program in NCCI's *Basic Manual for Workers Compensation and Employers Liability Insurance* for Texas (*Basic Manual* for Texas).

#### BACKGROUND

##### Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04 A)

The Federal Employers' Liability Act Coverage Endorsement provides employers coverage under the Federal Employers' Liability Act (FELA) (45 USC Sections 51–60). Coverage for FELA is specifically excluded under Part Two—Employers Liability Insurance, Section C. (Exclusions) of the Workers Compensation and Employers Liability Insurance Policy (policy).

Item P-1389—Revision of the Employers Liability Coverage Endorsement (WC 00 03 03 B) and Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04) added clarifying language to WC 00 01 04 to specify that Part Two—Employers Liability Insurance, Section C. (Exclusions), Exclusion 9. of the policy does not apply to work subject to the Federal Employers' Liability Act.

Item P-1389 was not filed in Texas; therefore, the Federal Employers' Liability Act Coverage Endorsement that is currently applicable in Texas (WC 00 01 04) does not include the clarifying language that was added in Item P-1389 (WC 00 01 04 was revised to WC 00 01 04 A). It is important that the Federal Employers' Liability Act Coverage Endorsement specify that policy Exclusion 9. in Part Two—Section C. is voided when the Federal Employers' Liability Act Coverage Endorsement is endorsed on the policy.

##### Texas Amendatory Endorsement (WC 42 03 01 K)

The Texas Amendatory Endorsement includes amendments to several sections of Part Five—Premium of the policy. The Texas—Audit Premium and Retrospective Premium Endorsement also includes an amendment to Part Five of the policy. By including all necessary amendments for Texas regarding Part Five—Premium of the policy, carriers will no longer need to endorse the Texas—Audit Premium and Retrospective Premium Endorsement on every Texas policy.

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## FILING MEMORANDUM

### ITEM 01-TX-2023—REVISIONS TO FORMS MANUAL FORMS AND ENDORSEMENTS APPLICABLE IN TEXAS AND BASIC MANUAL RULES RELATED TO THE TEXAS GROUP PURCHASE PROGRAM

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In addition to the Part Five revisions, the Texas Amendatory Endorsement must be revised to update NCCI's dispute resolution email address and specific mailing addresses for the Texas Department of Insurance (TDI).

#### **Texas—Audit Premium and Retrospective Premium Endorsement (WC 42 04 07)**

The Texas—Audit Premium and Retrospective Premium Endorsement amends Part Five—Premium, Section D. (Premium Payments) of the policy to specify that the billing statement or invoice establishes the date the premium is due. The Texas Amendatory Endorsement includes amendments to several sections of Part Five. The Texas—Audit Premium and Retrospective Premium Endorsement will be eliminated because the amendment to Part Five—Premium, Section D. will be included in the Texas Amendatory Endorsement.

#### **GPP-1B and GPP-2B Forms**

The mailing address for TDI must be updated on the following forms:

- Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form (GPP-1B)
- Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form (GPP-2B)

#### **Rules Related to the Texas Group Purchase Program**

GPP-1B and GPP-2B are referenced in the following rules in the *Basic Manual* for Texas:

- Application form (Rule ID: BM-TXPP-ADE0E)
- Renewal form (Rule ID: BM-TXPP-R8E6D)
- Submission of forms, plans, reports, and applications (Rule ID: BM-TXPP-SFB43)

This filing eliminates the following information from the rules related to the Texas group purchase program in the *Basic Manual* for Texas:

- Form numbers GPP-1B and GPP-2B; the form numbers referenced in the rules will be replaced with the form titles
- TDI's email and mailing address; this information is included on each of the Texas group purchase program forms

Eliminating this information will avoid future rule updates simply to update form numbers or revise TDI's email or mailing address.

## PROPOSAL

This item proposes to revise the *Forms Manual* to:

1. establish the countrywide Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04 A) for use in Texas and withdraw the countrywide Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04) in Texas

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FILING MEMORANDUM

**ITEM 01-TX-2023—REVISIONS TO FORMS MANUAL FORMS AND ENDORSEMENTS APPLICABLE IN TEXAS AND BASIC MANUAL RULES RELATED TO THE TEXAS GROUP PURCHASE PROGRAM**

2. revise the Texas Amendatory Endorsement to add an amendment to Part Five—Premium, Section D. (Premium Payments) and update NCCI's dispute resolution email address and TDI mailing addresses
3. eliminate the Texas—Audit Premium and Retrospective Premium Endorsement because the Part Five—Premium, Section D. amendment is being added to the Texas Amendatory Endorsement, and
4. revise the Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form and the Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form to update the mailing address for TDI.

This item also proposes to revise the **Basic Manual** for Texas group purchase program rules—Application form, Renewal form, and Submission of forms, plans, reports, and applications to eliminate the form number references and TDI's email and mailing address.

**IMPACT**

No statewide premium impact will result from the changes proposed in this item.

**EXHIBIT COMMENTS AND IMPLEMENTATION SUMMARY**

Exhibit	Exhibit Comments	Implementation Summary
1-FORM	Details the establishment of the countrywide Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04 A) for use in Texas in NCCI's <b>Forms Manual</b> .	To become effective for new and renewal policies with effective dates on and after 12:01 a.m. on July 1, 2023.
2-FORM	Details the withdrawal of the countrywide Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04) in Texas in NCCI's <b>Forms Manual</b> .	
3-FORM	Details the revisions to the Texas Amendatory Endorsement (WC 42 03 01 K) in NCCI's <b>Forms Manual</b> .	
4-FORM	Details the elimination of the Texas—Audit Premium and Retrospective Premium Endorsement (WC 42 04 07) in NCCI's <b>Forms Manual</b> .	
5-FORM	Details the revisions to the Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form (GPP-1B) in NCCI's <b>Forms Manual</b> .	
6-FORM	Details the revisions to the Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form (GPP-2B) in NCCI's <b>Forms Manual</b> .	
7-RULE	Details the revisions to the following rules in NCCI's <b>Basic Manual</b> for Texas: <ul style="list-style-type: none"> <li>• Application form (Rule ID: BM-TXPP-ADE0E)</li> <li>• Renewal form (Rule ID: BM-TXPP-R8E6D)</li> </ul>	

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FILING MEMORANDUM

**ITEM 01-TX-2023—REVISIONS TO FORMS MANUAL FORMS AND ENDORSEMENTS  
APPLICABLE IN TEXAS AND BASIC MANUAL RULES RELATED TO THE TEXAS GROUP  
PURCHASE PROGRAM**

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Exhibit	Exhibit Comments	Implementation Summary
	<ul style="list-style-type: none"><li>Submission of forms, plans, reports, and applications (Rule ID: BM-TXPP-SFB43)</li></ul>	

**Note:** Form and rule filings must be filed separately in Texas. For filing purposes, this memorandum is provided for both the form and rule exhibits. The form exhibits are filed with the regulatory authority as Item 01-TX-2023-FORM. The rule exhibit is filed with the regulatory authority as Item 01-TX-2023-RULE.

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COMPARISON OF BASIC MANUAL RULES AND ITEM 01-TX-2023-RULE\*

Current	Proposed	Comments
<b>BASIC MANUAL FOR WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE—EFFECTIVE 2021</b>	<b>BASIC MANUAL FOR WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE—EFFECTIVE 2021</b>	
<p><b>Application form</b>  <b>Rule ID: BM-TXPP-ADE0E</b>  <i>Effective Date: April 1, 2022</i></p> <p>Prior to a group's formation, an application form (Form GPP-1B) must be completed and submitted to the Department at least 60 days prior to the proposed start-up date of the group.</p>	<p><b>Application form</b>  <b>Rule ID: BM-TXPP-ADE0E</b>  <i>Effective Date: July 1, 2023</i></p> <p>Prior to a group's formation, the form Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form must be completed and submitted to the Department at least 60 days prior to the proposed start-up date of the group.</p>	<p>Eliminated form number and added form title.</p>
<p><b>Renewal form</b>  <b>Rule ID: BM-TXPP-R8E6D</b>  <i>Effective Date: April 1, 2022</i></p> <p>For existing groups, a renewal application form (Form GPP-2B) must be completed and submitted to the Department at least 30 days prior to each renewal date or the predetermined premium discount evaluation date.</p>	<p><b>Renewal form</b>  <b>Rule ID: BM-TXPP-R8E6D</b>  <i>Effective Date: July 1, 2023</i></p> <p>For existing groups, a renewal application form Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form must be completed and submitted to the Department at least 30 days prior to each renewal date or the predetermined premium discount evaluation date.</p>	<p>Eliminated form number and added form title.</p>
<p><b>Submission of forms, plans, reports, and applications</b>  <b>Rule ID: BM-TXPP-SFB43</b>  <i>Effective Date: April 1, 2022</i></p> <p>The group must submit the completed application form (GPP-1B) or renewal application form (GPP-2B), the Plan of Operation, and the final report to the address below.</p> <p>Texas Department of Insurance                      WC Group Purchase Program                      Mail Code PC-PCL                      PO Box 12030                      Austin, TX 78711-2030</p> <p>Email: <a href="mailto:PropertyCasualty@tdi.texas.gov">PropertyCasualty@tdi.texas.gov</a></p>	<p><b>Submission of forms, plans, reports, and applications</b>  <b>Rule ID: BM-TXPP-SFB43</b>  <i>Effective Date: July 1, 2023</i></p> <p>The group must submit the completed application form Group Purchase of Workers Compensation Insurance Application for Certification for Group to Form or renewal application form Group Purchase of Workers Compensation Insurance Renewal Application for Certification for Group to Form, the Plan of Operation, and the final report to the Texas Department of Insurance (TDI). Refer to the application and renewal application forms for the mailing address and email for TDI.</p>	<p>Eliminated form numbers and specific TDI address and added form titles.</p>

\*This Comparison is provided as a reference only in order to show the differences between the existing rule(s) or form(s), and the changes being proposed in the item filing. In the unlikely event that there is a conflict between the item filing Exhibits and this Comparison, the item filing Exhibits will control.