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To: Texas Workers' Compensation System Participants

From: Kara Mace, Deputy Commissioner, Legal Services

Date: July 19, 2021

RE: Senate Bill 22, 87th Legislature, Regular Session (2021) and New:

- Plain Language Notice PLN-15, *Notice of Request to Reprocess a SARS-CoV-2 or COVID-19 Claim Subject to Texas Government Code Section 607.0545*;
- *Sample Request to Reprocess a SARS-CoV-2 or COVID-19 Claim*; and
- Updated PLN-14, *Notice of Continuing Investigation*.

Senate Bill (SB) 22 adds new Texas Government Code Section 607.0545 to create a rebuttable presumption that a severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or coronavirus disease 2019 (COVID-19) injury or death is work-related for certain first responders. This includes detention officers, custodial officers, firefighters, peace officers, and emergency medical technicians. To qualify for the presumption, a first responder must meet certain conditions.

SB 22 applies to a claim for benefits filed on or after June 14, 2021. Under 28 Texas Administrative Code Section 124.2(g), a "claim for benefits" means the first written notice of injury as provided in Section 124.1 (concerning Notice of Injury).

SB 22 also allows certain first responders or their beneficiaries to timely file an initial claim for benefits by December 14, 2021, if the first responder contracted SARS-CoV-2 or COVID-19 between March 13, 2020, and June 14, 2021. The changes in law from SB 22 apply to these claims.

In addition, SB 22 provides a process to allow certain first responders or their beneficiaries, who previously filed a SARS-CoV-2 or COVID-19 claim for benefits and whose claim was denied by the insurance carrier, to request in writing that the insurance carrier reprocess the claim. Insurance carriers must apply the changes in law made under SB 22 to those reprocessed claims. Insurance carriers must reprocess a claim within 60 days after receiving a written request and must notify the injured employee or

beneficiary and the Texas Department of Insurance, Division of Workers' Compensation (DWC) whether the insurance carrier accepts or denies the claim and how to dispute any denial using a plain language notice (PLN) that DWC develops. Covered employees or their beneficiaries must request that the insurance carrier reprocess the claim by June 14, 2022.

DWC adopted a new document, *Sample Request to Reprocess a SARS-CoV-2 or COVID-19 Claim*, and new PLN-15, *Notice of Request to Reprocess a SARS-CoV-2 or COVID-19 Claim Subject to Texas Government Code Section 607.0545* (PLN-15), effective July 19, 2021. We posted the draft sample notice and PLN-15 for comment online from June 21, 2021, to July 12, 2021.

The adoption of this form and notice is necessary to implement SB 22.

Insurance carriers, including certified self-insurers, certified self-insurer groups, and governmental entities must use the adopted PLN-15 to respond to any request to reprocess a claim under SB 22 requirements beginning July 19, 2021.

The sample request document is not required to request that the insurance carrier reprocess a claim. The injured employee, beneficiary, or attorney may request that the insurance carrier reprocess the claim in any written form.

Both the sample request and the PLN-15 notice are on the [TDI website](#).

DWC also updated the font type and instructions on the PLN-14, *Notice of Continuing Investigation* to show that the notice applies to certain claims subject to SB 22. Insurance carriers, including certified self-insurers, certified self-insurer groups, and governmental entities, must use the adopted form no later than October 18, 2021. The form is also on the [TDI website](#).