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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [April 23, 2024](#)

Subject: Preventative treatment claims handling

The Texas Department of Insurance, Division of Workers' Compensation (DWC) would like to remind insurance carriers of the rules associated with preventative treatment related to a physical injury and workers' compensation claims handling. Preventative treatment may include medications such as rabies vaccines, tetanus shots, and post-exposure prophylaxis that are prescribed by a health care provider. An insurance carrier must follow treatment guidelines and pay for specified pharmaceutical services sufficient for the first seven days following the date of injury, regardless of issues of liability for or compensability of the injury. Texas [Labor Code Section 413.011](#); [28 TAC Sections 134.501](#) and [137.100](#).

In addition, [28 TAC Section 134.540](#) concerns initial pharmaceutical coverage under DWC's pharmacy closed formulary for claims subject to certified networks. [28 TAC Section 134.540\(f\)](#), Initial pharmaceutical coverage, states:

- (1) Drugs included in the closed formulary which are prescribed for initial pharmaceutical coverage, in accordance with [Labor Code §413.0141](#), may be dispensed without preauthorization and are not subject to retrospective review of medical necessity.
- (2) Drugs excluded from the closed formulary which are prescribed for initial pharmaceutical coverage, in accordance with [Labor Code §413.0141](#), may be dispensed without preauthorization and are subject to retrospective review of medical necessity.

Failure to properly handle preventative treatment claims under these rules and other applicable laws may result in the assessment of administrative penalties not to exceed \$25,000 per day per occurrence.