



TEXAS DEPARTMENT OF INSURANCE

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memo

To: Workers' Compensation System Participants

From: Tracey Beaver, Director of the Office of Workers' Compensation Counsel

CC: _____

Date February 19, 2015

RE: Adopted Rule: New 28 TAC §131.1 regarding Initiation of Lifetime Income Benefits; Notice of Denial.

Comments: On February 10, 2015, the Commissioner of Workers' Compensation, Ryan Brannan, adopted new 28 Texas Administrative Code (TAC) §131.1 regarding Initiation of Lifetime Income Benefits; Notice of Denial. The adoption was filed with the Office of the Secretary of State on February 11, 2015. The adoption will be published in the February 27, 2015 issue of the Texas Register and may be viewed on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml>. A courtesy copy of the adoption is available on the Texas Department of Insurance website at <http://www.tdi.texas.gov/wc/rules/adopted/index.html>.

New 28 TAC §131.1:

- requires that an insurance carrier must review an injured employee's eligibility for lifetime income benefits (LIBs) in a timely fashion, including when an injured employee requests LIBs, and must review all of the statutory criteria;
- outlines the timeframes for determining LIBs eligibility in situations where an injured employee requests LIBs in writing, as well as timeframes for the payment of LIBs after the insurance carrier reasonably believes the injured employee is eligible;
- helps ensure that if the insurance carrier denies LIBs eligibility, communication between the insurance carrier and the injured employee will be consistent, documented, and that all parties will be informed of their right to initiate dispute resolution; and
- retains the statutory eligibility requirements for LIBs.

New §131.1 is effective June 1, 2015. The Division has amended the Division Form PLN-4, *Notice Regarding Eligibility for Lifetime Income Benefits*, for use with this rule. The finalized PLN-4 is available on the Texas Department of Insurance website at <http://www.tdi.texas.gov/forms/form20numeric.html>, and is effective June 1, 2015.