

**CHAPTER 148: HEARINGS CONDUCTED BY THE STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

28 TAC §§148.3, 148.4, 148.5, 148.9, 148.12, and 148.18

1. INTRODUCTION.

The Texas Department of Insurance, Division of Workers' Compensation (Division) adopts the repeal of §148.3, concerning Requesting a Hearing; §148.4, concerning Correction of Clerical Error in Medical Review Division Decisions or Orders Absent a Request for Hearing; §148.5, concerning Notice of Hearing; §148.9, concerning Informal Disposition; §148.12, concerning Ex Parte Communications; and §148.18, concerning Record of the Hearing.

The repeals of §§148.3 - 148.5, 148.9, 148.12, and 148.18, are adopted without changes to the proposed text as published in the March 28, 2014, issue of the *Texas Register* (39 TexReg 2250). No request for a public hearing was submitted to the Division. The public comment period closed on April 28, 2014, and the Division received no written comments.

In conjunction with this adoption, the Division is adopting amended §§148.1, 148.2, 148.6 - 148.8, 148.10, 148.11, 148.13 -148.17, and 148.19 - 148.23 and new §§148.3 - 148.5 and 148.24, also published in this issue of the *Texas Register*.

2. REASONED JUSTIFICATION.

The repeal of §§148.3, 148.4, and 148.5 is necessary because the Division is adopting new §§148.3, 148.4, and 148.5, and the simultaneous repeal of a numbered section is necessary to adopt a new section with the same TAC number as required by 1 TAC §91.32, concerning Rule Numbers.

The repeal of §§148.9, 148.12, and 148.18 is necessary because the requirements already exist in Government Code §§2001.056, 2001.061, and 2001.060, and repeating the requirements in the rules would be redundant.

3. SUMMARY OF COMMENTS AND AGENCY RESPONSES.

None.

4. NAMES OF THOSE COMMENTING FOR AND AGAINST THE SECTIONS.

None

5. STATUTORY AUTHORITY.

The repeals are adopted under Labor Code §402.00111 and §402.061.

Labor Code §402.00111 provides that the Commissioner of Worker's Compensation shall exercise all executive authority, including rule-making authority, under Title 5, Labor Code.

Labor Code §402.061 provides that the Commissioner of Workers' Compensation shall adopt rules as necessary for the implementation and enforcement of the Texas Workers' Compensation Act.

6. TEXT.

§148.3. Requesting a Hearing.

§148.4. Correction of Clerical Error in Medical Review Division Decisions or Orders Absent a Request for Hearing.

§148.5. Notice of Hearing.

§148.9. Informal Disposition.

§148.12. Ex Parte Communications.

§148.18. Record of the Hearing.

7. CERTIFICATION.

This agency hereby certifies that the repeals, as adopted, have been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued at Austin Texas, on _____, 2014.

X

Dirk Johnson
General Counsel
Texas Department of Insurance,
Division of Workers' Compensation

IT IS THEREFORE THE ORDER of the Commissioner of Workers' Compensation that the repeal of §148.3, concerning Requesting a Hearing; §148.4, concerning Correction of Clerical Error in Medical Review Division Decisions or Orders Absent a Request for Hearing; §148.5, concerning Notice of Hearing; §148.9, concerning Informal Disposition; §148.12, concerning Ex Parte Communications; and §148.18, concerning Record of the Hearing, is adopted.

AND IT IS SO ORDERED.

X

ROD BORDELON
COMMISSIONER OF WORKERS' COMPENSATION

ATTEST:

X

Dirk Johnson
General Counsel

COMMISSIONER ORDER NO