



Texas Department of Insurance

Division of Workers' Compensation

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MEMORANDUM

DATE: December 15, 2010

TO: Workers' Compensation System Participants

FROM: Christopher Bean, Workers' Compensation Counsel Section Chief

RE: Adoption: Repeal of 28 TAC §126.7 Regarding Designated Doctor Examinations: Requests and General Procedures and New §§127.1 - 127.25 Regarding Designated Doctor Scheduling and Examinations

On December 3, 2010, Commissioner of Workers' Compensation Rod Bordelon adopted the repeal of 28 Texas Administrative Code (TAC) §126.7 regarding Designated Doctor Examinations: Requests and General Procedures and new §§127.1 - 127.25 regarding Designated Doctor Scheduling and Examinations. The adoption will publish in the December 17, 2010 issue of the *Texas Register* and may be viewed on the Texas Secretary of State website at www.sos.state.tx.us/texreg/index.shtml and the Texas Department of Insurance website at www.tdi.state.tx.us/wc/rules/adopted/index.html.

The purpose of the repeal of 28 TAC §126.7 is to ensure clarity and efficiency in designated doctor regulation. The purpose of the adoption of new 28 TAC §§127.1 - 127.25 is primarily to recodify the provisions of repealed 28 TAC §126.7. The adopted new rules also expand on the recodified language to comply with the amendments to §408.0041 of the Texas Labor Code made by House Bill 7, 79th Legislature, Regular Session (effective September 1, 2005). Additionally, the new rules are anticipated to improve the quality and availability of designated doctor examinations by providing that the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) may require designated doctors to remain appointed to a claim so long as that doctor is still qualified to examine the employee; and the new rules clarify the TDI-DWC's existing designated doctor procedures in order to facilitate a more efficient designated doctor scheduling and examination process.

The DWC Form-032, *Request for Designated Doctor Examination*, is being revised to conform with the newly adopted rules. The revised form will be made available to workers' compensation system participants at a later date.

The adopted rules are effective February 1, 2011.

If there are any questions regarding the information in this memo, contact Nicholas Gonzalez at 512-804-4277 or Nicholas.Gonzalez@tdi.state.tx.us.