



## Texas Department of Insurance

### Division of Workers' Compensation

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## Memorandum

**To:** Workers' Compensation System Participants

**From:** Jeff Carothers, Director of the Office of Workers' Compensation Counsel

**Date:** July 23, 2012

**Subject:** Adoption: New and Amended Rules Relating to Notice and Reporting Requirements for Subscribing and Non-Subscribing Employers; and Rules Relating to Notice of a Texas Labor Code §504.053(b)(2) Election by a Self-Insured Political Subdivision

On July 13, 2012, the Commissioner of Workers' Compensation Rod Bordelon adopted new 28 Texas Administrative Code (TAC) §§110.7, 110.103, 110.105, and 160.1, and amended 28 TAC §§110.1, 110.101, 160.2, and 160.3. The adoptions were filed with the Office of the Secretary of State on July 13, 2012 and will be published in the July 27, 2012 issue of the *Texas Register*. The adoptions may be viewed at that time on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml>. As of the date of this memo, a courtesy copy of each adoption may be viewed on the Texas Department of Insurance website at <http://www.tdi.texas.gov/wc/rules/adopted/index.html>.

The adopted rules relate to various notice and reporting requirements imposed upon subscribing and non-subscribing employers, specifically requirements for notifying the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) of non-coverage status, termination of coverage by the employer, and occupational injuries, illnesses and fatalities. These adoptions also relate to requirements on employers for notifying employees of the employer's coverage status. Finally, these adopted rules reorganize, update, and clarify the language and requirements associated with these reporting requirements and are intended to ensure: (1) the TDI-DWC and employees obtain timely and accurate workers' compensation insurance coverage information from employers; and (2) workers' compensation system participants have both an increased understanding of applicable reporting requirements and are provided consistency with current practices concerning related reporting requirements.

This adoption also contains a new rule that requires a self-insured political subdivision to notify the TDI-DWC when the political subdivision elects to provide medical benefits in accordance with Texas Labor Code §504.053(b)(2). The purpose of this new rule is to provide a mechanism that allows the TDI-DWC to effectively obtain this information.

In conjunction with these adopted rules, the TDI-DWC has also revised related forms, including the: DWC Form-005, *Employer Notice of No Coverage or Termination of Coverage*; DWC Form-007, *Employer's Report of Non-Covered Employee's Occupational Injury or Disease*; and DWC Form-020SI, *Self-Insured Governmental Entity Coverage Information*. The TDI-DWC has also revised the notice employers are required to post in the workplace that inform employees of the

employer's workers' compensation insurance status. The revised forms and notices will be made available for download from the TDI website at <http://www.tdi.texas.gov/forms/form20.html> prior to each effective date of use for the form or notice in conjunction with the associated effective date of the corresponding rule as detailed below.

Adopted new 28 TAC §110.7 is effective August 2, 2012; the associated revised form with this rule, the DWC Form-020SI, *Self-Insured Governmental Entity Coverage Information*, is for use on or after August 2, 2012. The current Form-020SI should be used until August 1, 2012.

Adopted new 28 TAC §110.103 is applicable January 1, 2013; the associated revised form with this rule, the DWC Form-005, *Employer Notice of No Coverage or Termination of Coverage*, is for use on or after January 1, 2013. The current DWC Form-005 should be used until December 31, 2012.

Adopted new 28 TAC §110.105 and §160.1 and adopted amendments to 28 TAC §§110.1, 110.101, 160.2, and 160.3 are effective January 1, 2013. The associated revised forms and revised and new required employee notices: DWC Form-005, *Employer Notice of No Coverage or Termination of Coverage*; DWC Form-007, *Employer's Report of Non-Covered Employee's Occupational Injury or Disease*; *New Employee Notice, Notices 5 - 7*, and new *Notice 10* are for use on or after January 1, 2013. The current DWC Form-007 and current *Notices 5 - 7* should be used until December 31, 2012.

If there are any questions regarding the information in this memo, contact Jarren Wenderlein at (512) 804-4296 or [Jarren.Wenderlein@tdi.state.tx.us](mailto:Jarren.Wenderlein@tdi.state.tx.us).