

**SUBCHAPTER A: BENEFITS – GENERAL PROVISIONS APPLICABLE TO ALL
28 TAC §126.7**

1. INTRODUCTION. The Texas Department of Insurance (Department), Division of Workers' Compensation (Division) adopts the repeal of §126.7, concerning Designated Doctor Examinations: Requests and General Procedures. This repeal is adopted without changes to the proposal as published in the July 16, 2010, issue of the *Texas Register* (35 TexReg 6228) and will not be republished.

2. REASONED JUSTIFICATION. This repeal is necessary to ensure clarity and efficiency in designated doctor regulation and is adopted simultaneously with new Chapter 127, §§127.1, 127.5, 127.10, 127.15, 127.20, and 127.25 concerning Designated Doctor Scheduling and Examinations, which are published elsewhere in this issue of the *Texas Register* and recodify the majority of the provisions of repealed §126.7. The repeal will become effective February 1, 2011 to coincide with the effective date of newly adopted §§127.1, 127.5, 127.10, 127.15, 127.20, and 127.25.

3. HOW THESE SECTIONS WILL FUNCTION. This repeal will eliminate the obsolete provisions from repealed §126.7 and will also allow the Division to recodify the majority of the provisions of repealed §126.7 in new Chapter 127, §§127.1, 127.5, 127.10, 127.15, 127.20, and 127.25.

3. SUMMARY OF COMMENTS AND AGENCY RESPONSE.

Comment: One commenter stated that they support the proposed repeal.

Response: The Division appreciates the support.

4. NAMES OF THOSE COMMENTS FOR AND AGAINST THE PROPOSAL.

For without changes: Insurance Council of Texas.

Against: None

5. STATUTORY AUTHORITY. The repeal is adopted pursuant to Labor Code §402.00111 and §402.061. Section 402.00111 provides that the Commissioner of Workers' Compensation shall exercise all executive authority, including rulemaking authority, under the Labor Code and other laws of this state. Section 402.061 provides that the Commissioner of Workers' Compensation has the authority to adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act. No other code, statute or article is affected by this rule or action.

6. TEXT.

§126.7. Designated Doctor Examinations: Requests and General Procedures.

7. CERTIFICATION. This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas on October 6, 2010.

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 28 TAC §126.7, concerning Designated Doctor Examinations: Requests and General Procedures, is adopted.

AND IT IS SO ORDERED.

ROD BORDELON
COMMISSIONER OF WORKERS' COMPENSATION

ATTEST:

Dirk Johnson
General Counsel

COMMISSIONERS ORDER NO. _____