

Division of Workers' Compensation Rulemaking September 2016

Rule Project	Title 28 TAC	Summary	<p align="center">Status</p> <p align="center">*Rules may have later effective dates if required by statute or specified in the rule.</p>
Medical Fee Guidelines for Workers' Compensation Specific Services	Amend §134.204; new §§134.209, 134.210, 134.215, 134.220, 134.225, 134.230, 134.235, 134.239, 134.240, 134.250; repeal §134.202 and §134.302	Non-substantive amendments reorganize existing §134.204 into several new sections for ease of compliance for system participants.	<p align="center">Adoption Published: 07/01/2016 41 TexReg 4839</p> <p align="center">Effective: 7/7/2016*</p>
Burial/Death Benefits	Amend §132.7 and §132.13	Implements HB 1094 and SB 653, 84th Legislature, Regular Session (2015). HB 1094 amended Labor Code §408.183 to allow eligible spouses of first responders to remain eligible for death benefits after remarriage. SB 653 amended Labor Code §408.186 to increase the maximum amount of reimbursement for burial benefits payable in the workers' compensation system from \$6,000 to \$10,000.	<p align="center">Adoption published: 03/11/2016 41 TexReg 1857</p> <p align="center">Effective: 03/20/2016*</p>
Rule Petitions	Amend §104.1	Amendments align division rules with HB 763, 84th Legislature, Regular Session (2015) by requiring that a petitioner is an interested person under Government Code §2001.021.	<p align="center">Adoption published: 03/04/2016 41 TexReg 1711</p> <p align="center">Effective: 03/10/2016*</p>
Phone Number Rule	Amend §110.108 and §110.110	Amendments provide the updated TDI-DWC telephone number to report possible exposure to communicable diseases or HIV or to inquire about, verify, or report the lack of coverage at construction project sites.	<p align="center">Adoption published: 12/11/2015 40 TexReg 8899</p> <p align="center">Effective: 12/14/2015*</p>
Temporary Income Benefits (TIBs)	Amend §129.3 and §129.11	Amendments align with SB 901, 84th Legislature, Regular Session (2015), effective September 1, 2015, which increased the hourly wage used for computing temporary income benefits in Labor Code §408.103(a) from \$8.50 to \$10 an hour.	<p align="center">Adoption published: 02/19/2016 41 TexReg 1249</p> <p align="center">Effective: 02/28/2016*</p>
Lifetime Income Benefits (LIBs)	New §131.1	Clarifies that carriers must process injured employee requests for lifetime income benefits timely and appropriately.	<p align="center">Adoption Published: 02/27/2015 40 TexReg 929</p> <p align="center">Effective: 06/01/2015*</p>

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Medical State Reporting	Amend §§134.802, 134.803, 134.804, 134.805, 134.807, and 134.808	Clarifies existing medical EDI data reporting requirements for system participants to improve data reporting quality and compliance. The rules also clarify how compound medications should be reported via EDI, provide requested guidance regarding the reporting of multiple diagnoses and expand the data reporting of diagnosis related group codes for inpatient hospital bills.	Adoption published: 02/06/2015 40 TexReg 595 Effective: 09/01/2015*
Debit Card Payments	Amend §124.5 New: §124.6	Clarifies that the use of debit cards for income or death benefits is voluntary for both the carrier and injured worker. Payment options are currently limited to electronic fund transfers, check, or other readily negotiable instruments.	Adoption published: 01/16/2015 40 TexReg 332 Effective: 06/01/2015*
Attorneys' Fees	Repeal and Re-enact §152.3 and §152.4; New §152.6.	Repeal and re-enactment of §152.3 and §152.4 increases the hourly rate for attorneys and legal assistants, as well as the number of hours that can be billed at the pre-BRC stage of the dispute resolution process. New §152.6 requires attorneys to notify the division of a withdrawal at any point in the representation, and to submit a motion to withdraw and receive division approval before withdrawing after notice of a scheduled BRC or CCH has been received.	Proposal published: 8/19/2016 41 TexReg 6146 Formal Comment Deadline: 9/19/2016
State of Office of Administrative Hearings (SOAH)	Amend §§148.1, 148.2, 148.6 - 148.8, 148.10, 148.11, 148.13-148.17, and 148.19-148.23; New §§148.3, 148.4, 148.5, and 148.24; Repeal §§148.3-148.5, 148.9, 148.12, 148.18 and Chapter 149	Implement House Bill 2605, 82 nd Legislature, Regular Session, effective September 1, 2011, remove provisions that are no longer applicable to SOAH cases, add provisions for new types of cases, update citations, and revise the text for clarity.	Adoption Published: 7/18/2014 39 TexReg 5477 Effective: 7/27/2014*
URA Companion Rules	Amend §§133.2, 133.240, 133.250, 133.305, 134.110, 134.502, and 134.600	Synchronize key portions of WC bill processing, voluntary certification, preauthorization, and concurrent review with the Utilization Review Agent (URA) rules in 28 TAC Chapter 19 adopted on 1/31/2013.	Adoption Published: 3/21/2014 39 TexReg 1997 Effective: 3/30/2014*