



Texas Department of Insurance

Division of Workers' Compensation

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
512-804-4000 telephone • 512-804-4001 fax • www.tdi.texas.gov

Memorandum

To: Workers' Compensation System Participants

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

Date: February 6, 2012

Subject: Adoption: Amendments to 28 TAC Chapter 180 Regarding the Monitoring and Enforcement Authority of the Division of Workers' Compensation

On January 24, 2012, the Commissioner of Workers' Compensation Rod Bordelon adopted amendments to 28 Texas Administrative Code (TAC) §§180.1, 180.3, 180.5, 180.8, 180.27 and new §§180.4, 180.9 and 180.10. These adopted amendments and new rules primarily relate to the Commissioner of Workers' Compensation's authority in Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) enforcement cases; the authority to issue ex parte emergency cease and desist orders; and the TDI-DWC's authority to conduct announced and unannounced on-site visits. The adoption was filed with the Office of the Secretary of State on January 25, 2012 for publication in the February 10, 2012 issue of the *Texas Register* and may be viewed on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml> at that time. A courtesy copy of the adoption is currently available on the TDI website at <http://www.tdi.texas.gov/wc/rules/adopted/index.html>.

The purpose of these adopted amendments and new rules is to implement recent legislation in House Bill (HB) 2605, enacted by the 82nd Legislature, Regular Session, effective September 1, 2011, that impacts the TDI-DWC's system monitoring and enforcement authority under the Texas Workers' Compensation Act (Act). This legislation expanded the Commissioner of Workers' Compensation's authority to enter the final decision in all TDI-DWC enforcement actions heard at the State Office of Administrative Hearings (SOAH); authorizes the Commissioner of Workers' Compensation to issue ex parte emergency cease and desist orders in certain cases; and authorizes the TDI-DWC to conduct announced and unannounced on-site visits when reviewing the operations of a person regulated by the TDI-DWC. These adopted amendments and new rules amend 28 TAC Chapter 180 to reflect the Commissioner of Workers' Compensation's expanded authority in enforcement cases heard at SOAH and enact procedures in that chapter that will apply to emergency cease and desist orders and on-site visits conducted by the TDI-DWC. These adopted rules also contain changes that clarify and update existing rules Chapter 180 and provide the TDI-DWC with greater flexibility when performing certain system monitoring and enforcement activities under the Act.

The adopted rules are effective February 14, 2012.

If there are any questions regarding the information in this memo, contact Rebecca Vann at (512) 804-4282 or Rebecca.Vann@tdi.state.tx.us.