



TEXAS DEPARTMENT OF INSURANCE

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memo

To: Workers' Compensation System Participants

From: Emily McCoy, Director, Office of Workers' Compensation Counsel

Date: March 10, 2016

RE: Adopted Rule: Amended 28 TAC §132.7, regarding duration of death benefits for eligible spouse, and §132.13, regarding burial benefits.

On February 17, 2016, Commissioner of Workers' Compensation Ryan Brannan adopted amended 28 Texas Administrative Code (TAC) §132.7, regarding duration of death benefits for eligible spouse, and §132.13, regarding burial benefits, to align the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) rules with recent statutory amendments. The adoption was filed with the Office of the Secretary of State on February 29, 2016. The adoption will be published in the March 11, 2016, 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>. A courtesy copy of the adoption is available on the Texas Department of Insurance (TDI) website at <http://www.tdi.texas.gov/wc/rules/2016rules.html>.

TDI-DWC is posting the finalized DWC Form-042, *Claim for Workers' Compensation Death Benefits*, simultaneously with these rules. Additional information and the finalized form DWC Form-042 can be found on the TDI website at <http://www.tdi.texas.gov/forms/form20numeric.html>.

Amended 28 TAC §132.7:

- Implements House Bill (HB) 1094, 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, if the first responder suffered death in the course and scope of employment or while providing services as a volunteer.
- Changes in Labor Code §408.183 made by HB 1094 apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after September 1, 2015.

Amended 28 TAC §132.13:

- Implements Senate Bill (SB) 653, 84th Legislature, Regular Session (2015). 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.
- Changes in Labor Code §408.186 made by SB 653 apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after September 1, 2015.