



TEXAS DEPARTMENT OF INSURANCE

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memo

To: Texas Workers' Compensation System Participants

From: Emily McCoy, Associate General Counsel, Office of General Counsel

Date: April 4, 2018

RE: Adopted Rules: Rules Relating to House Bill 2112; New DWC Forms-81, 82, 83, 84, and 85

Commissioner of Workers' Compensation Ryan Brannan adopted amended 28 Texas Administrative Code (TAC) §§ 110.105, 112.101, 112.102, 112.201, 112.202, 130.101, 130.102, and 136.1, and repealed 28 TAC §130.10 and §136.2 to align the Texas Department of Insurance, Division of Workers' Compensation (division) rules with recent statutory amendments in House Bill 2112, 85th Legislative Session, Regular Session, which became effective on June 9, 2017. The adoptions will be published in the April 6, 2018, issue of the Texas Register and available at www.sos.state.tx.us/texreg/index.shtml once published. A courtesy copy of the adopted rules will also be available on the division website at www.tdi.texas.gov/wc/rules/2018rules.html.

The division is posting finalized versions of several forms simultaneously with this rule, including the DWC Form-081, *Agreement Between General Contractor and Subcontractor to Provide Workers' Compensation Insurance*; the DWC Form-082, *Agreement for Motor Carriers and Owner Operators*; the DWC Form-083, *Agreement for Certain Building and Construction Workers*; the DWC Form-084, *Exception to Application of Joint Agreement for Certain Building and Construction Workers*; and, the DWC Form-085, *Agreement Between General Contractor and Subcontractor to Establish Independent Relationship*. In addition, in response to public comment, the division is posting a new Spanish version of DWC Form-084. Also, the division is removing the DWC Form-065, *Application for Inclusion on Registry of Private Providers of Vocational Rehabilitation Services*, and the DWC Form-020, *Insurance Carrier's Notice of Coverage/Cancellation/non-Renewal of Coverage*, from the division website. Additional information and the forms are available on the division website at: www.tdi.texas.gov/forms/form20.html.

The adoption amends:

- §110.105, *Employer Requirements for Notifying the Division of Termination Coverage*, to allow employers to submit a notice of termination by any means;
- §112.201, *Agreement to Establish Employer-Employee Relationship for Certain Building and Construction Workers*, and §112.202, *Joint Agreement to Affirm Independent Relationship for Certain Building and Construction Workers*, to remove requirements for hiring contractors to file legible copies of certain agreements with the division;
- §112.101, *Agreement Regarding Workers' Compensation Insurance Coverage between General Contractors and Subcontractors*, and §112.102, *Agreements between Motor Carriers and Owner Operators*, to remove requirements for general contractors to file legible copies of certain agreements with the division; and,

- §130.101, *Definitions*, §130.102, *Eligibility for Supplemental Income Benefits Amount*, and §136.1, *Review of Employer Report of Injury*, to replace the Texas Department of Assistive and Rehabilitative Services with the Texas Workforce Commission, remove references to the registry of private providers of vocational rehabilitation services, and eliminate the requirement that a copy of the notice be sent to the insurance carrier.

The adoption repeals:

- §130.10, *Commissioner Review of Employment Status during the Impairment Income Benefits Period*, to remove the division requirement to review and determine the unemployment or underemployment status of injured employees; and,
- §136.2, *Registry of Private Providers of Vocational Rehabilitation Services*, to remove the registry of private providers of vocational rehabilitation services from the division website.