



TEXAS DEPARTMENT OF INSURANCE

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memo

To: Workers' Compensation System Participants

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

Date: February 11, 2016

RE: Adopted Rule: Amendments to 28 TAC §129.3, regarding amount of temporary income benefits (TIBs), and §129.11, regarding agreement for monthly payment of TIBs

On February 08, 2016, Commissioner of Workers' Compensation Ryan Brannan adopted amendments to 28 Texas Administrative Code (TAC) §129.3 and §129.11. The adoption was filed with the Office of the Secretary of State on February 8, 2016. The adoption will be published in the February 19, 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 website at the link below:

<http://www.tdi.texas.gov/wc/rules/adopted/index.html>.

Amendments to 28 TAC §129.3 and §129.11:

- increase the hourly wage that qualifies an injured employee to be paid at the higher TIBs rate of 75% of the employee's pre-injury average weekly wage for the first 26 weeks of disability from less than \$8.50 an hour to less than \$10 an hour for workers' compensation claims with a date of injury on or after September 1, 2015;
- clarify that the qualifying pre-injury average weekly wage of less than \$8.50 an hour still applies to workers' compensation claims with a date of injury before September 1, 2015; and
- delete the applicability date for agreements for monthly payments of TIBs because it is no longer relevant.

Amendments to 28 TAC §129.3 and §129.11 are effective March 2, 2016.