



TEXAS DEPARTMENT OF INSURANCE

General Counsel Division - Legal Section (MS-4D)

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memo

To: Texas Workers' Compensation System Participants

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

Date: June 8, 2017

RE: Amending the DWC Form-045: Request to Schedule, Reschedule, or Cancel a Benefit Review Conference

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting public comments on revisions to the DWC Form-045, Request to Schedule, Reschedule, or Cancel a Benefit Review Conference (BRC). TDI-DWC is not amending the DWC Form-045A or the DWC Form-045M. The revisions allow system participants to use the form for an additional purpose – to request to proceed directly to a contested case hearing (CCH) pursuant to Labor Code §410.024 and 28 Texas Administrative Code (TAC) §142.5.

Generally, parties are required to participate in a BRC prior to requesting a CCH. However, under §142.5(b) parties may proceed directly to a CCH in certain instances, including when the division determines that mediation would not prove effective to resolve the dispute or that the overall policy of the Workers' Compensation Act would be advanced by proceeding directly to CCH. With limited exceptions, a party must request to proceed directly to a CCH in writing. Revised DWC Form-045 provides an option for these requests to be made that helps ensure TDI-DWC receives the information it needs to make a determination. TDI-DWC's goal is to focus BRC time and resources on disputes in which participation is thought to be the most productive. The revisions apply to both the English and Spanish versions of the form.

If you want to comment on the proposed revisions to the form, submit your written comments by 5:00 p.m. Central time on June 23, 2017. Send written comments by email to Rulecomments@tdi.texas.gov or by mail to:

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The draft DWC Form-045 is available on the TDI-DWC website at <http://www.tdi.texas.gov/wc/rules/drafts.html>. A current version of the DWC Form-045 is also available on the TDI-DWC website at <http://www.tdi.texas.gov/forms/form20numeric.html>.