



TEXAS DEPARTMENT OF INSURANCE

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

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memo

To: Workers' Compensation System Participants
From: Emily McCoy, Associate General Counsel, Office of General Counsel
Date: April 13, 2018
RE: Proposal: Amended 28 TAC §129.5 Regarding Work Status Reports

The Texas Department of Insurance, Division of Workers' Compensation (division) is accepting public comments on a proposed rule to amend 28 Texas Administrative Code (TAC) §129.5.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. Central time on May 21, 2018. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to Rulecomments@tdi.texas.gov or by mail to:

Texas Department of Insurance, Division of Workers' Compensation
Maria Jimenez
Workers' Compensation Counsel MS – 4D
7551 Metro Center Drive, Suite 100
Austin, Texas 78744-1645

If a hearing is held, TDI-DWC will consider written comments and public testimony presented at the hearing.

The proposal will be published in the April 20, 2018 issue of the *Texas Register* and will be available at www.sos.state.tx.us/texreg/index.shtml once published. A courtesy copy will also be available on the TDI website at www.tdi.texas.gov/wc/rules/2018rules.html.

The amendment conforms the division's rules to legislation passed during the 85th legislative session (House Bill 2546, effective June 9, 2017). Amended §129.5 allows a delegated health care practitioner authorized under Labor Code §408.025 to complete, sign, and file a work status report. Amended §129.5 also allows an injured employee to receive a work status report by electronic transmission, if the injured employee agrees to receive the report by electronic transmission.

In accordance with §133.20(e)(2), a medical bill must be submitted in the name of the licensed health care provider that provided the health care or that provided direct supervision of an unlicensed individual who provided the health care. If an authorized physician assistant completes and signs a work status report in accordance with proposed Rule §129.5, the physician assistant should be listed as the rendering provider on the medical bill.