

**Subchapter C – Medical Fee Guidelines**  
**Repeal 28 TAC §134.202 and 28 TAC §134.302**

**1. INTRODUCTION.** The Texas Department of Insurance, Division of Workers' Compensation (division) proposes the repeal of 28 TAC §134.202, concerning medical fee guideline and 28 TAC §134.302, concerning dental fee guideline. The repeal is necessary because the sections are no longer effective. Identical requirements of 28 TAC §134.202 were adopted in 28 TAC §134.203 and §134.204, which superseded the section for professional services and workers' compensation specific services provided on or after March 1, 2008. Title 28 TAC §134.302 was superseded by 28 TAC §134.303 for dental services on or after June 15, 2005. In conjunction with this proposal, the division proposes non-substantive amendments to 28 TAC §134.204 and new 28 TAC §§134.209, 134.210, 134.215, 134.220, 134.225, 134.230, 134.235, 134.239, 134.240, and 134.250, concerning medical fee guideline for workers' compensation, which is also published in this issue of the Texas Register.

**2. FISCAL NOTE.** Mr. Matthew Zurek, Executive Deputy Commissioner of Healthcare Management and System Monitoring, has determined that for each year of the first five years the proposed repeal is in effect, there will be no fiscal impact to state or local governments as a result of the proposal. There will be no measurable effect on local employment or the local economy as a result of the proposal.

**3. PUBLIC BENEFIT/COST NOTE.** Mr. Zurek also determined that for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of proposed repeal is a more efficient use of the fee guidelines through elimination of outdated and redundant rules. There will be no economic cost to persons required to comply with the proposed repeal.

**4. ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL**

**AND MICRO BUSINESSES.** As required by the Government Code §2006.002(c), the division has determined that the proposed repeal will not have an adverse economic effect on small or micro business because it is a repeal of outdated and redundant rules. Therefore, in accordance with the Government Code §2006.002(c), the division is not required to prepare a regulatory flexibility analysis.

**5. TAKINGS IMPACT ASSESSMENT.** The division has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

**6. REQUEST FOR PUBLIC COMMENT.** If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on April 18, 2016. 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](mailto:rulecomments@tdi.texas.gov) or by mail to Maria Jimenez, Texas Department of Insurance, Division of Workers' Compensation, Office of Workers' Compensation Counsel, MS-4D, 7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645. If a hearing is held, the division will consider written comments and public testimony presented at the hearing.

**7. STATUTORY AUTHORITY.** The repeal is proposed under Labor Code §402.00111 and §402.061.

Labor Code §402.00111 requires the commissioner of workers' compensation to exercise all executive authority, including rulemaking authority, under Title 5 of the Labor Code. Labor Code §402.061 requires the commissioner of workers' compensation to adopt rules as necessary for the implementation and enforcement of the Texas Workers' Compensation Act.

**8. TEXT**

**SUBCHAPTER C: MEDICAL FEE GUIDELINES**

**§134.202 Medical Fee Guideline**

**§134.302 Dental Fee Guideline**

**9. CERTIFICATION.** The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued at Austin, Texas, on \_\_\_\_\_, 2016.

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Workers' Compensation