



TEXAS DEPARTMENT OF INSURANCE

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

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memo

To: Workers' Compensation System Participants

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

Date: August 17, 2016

RE: Proposal: Repeal and Re-enact 28 Texas Administrative Code (TAC) §152.3, *Approval or Denial of Fee by the Division*, and §152.4, *Guidelines for Legal Services Provided to Claimants and Carriers*. New §152.6, *Attorney Withdrawal*.

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting public comments on proposed rules to repeal and re-enact 28 TAC §152.3 and §152.4, and new §152.6. The proposal will be published in the August 19, 2016, issue of the *Texas Register* and available at www.sos.state.tx.us/texreg/index.shtml once published. A courtesy copy of the proposal will also be available on the TDI website at www.tdi.texas.gov/wc/rules/2016rules.html.

The repeal and re-enactment of §152.3, *Approval or Denial of a Fee by the Division*, and §152.4, *Guidelines for Legal Services Provided to Claimants and Carriers*, is necessary to update the attorney fee rules for the first time since 1991. The new rules reflect changes in the industry since §152.3 and §152.4 were originally adopted, and are designed to ensure there is quality representation available within the workers' compensation system. Additionally, they allow more time at the beginning of a dispute for preparation and case management in order to encourage early resolution of claim disputes. New §152.6, *Attorney Withdrawal*, requires attorneys to comply with the Texas Disciplinary Rules of Professional Conduct when withdrawing from a claim and helps to prevent an attorney's withdrawal from having a material adverse effect on the client.

TDI-DWC is posting informal working drafts of the DWC Form-150, *Notice of Representation*; DWC Form-150a, *Notice of Withdrawal of Representation*; DWC Form-151, *Attorney Application for Web Access*; and DWC Form-152, *Application for Attorney Fees*, simultaneously with this rule. Additional information and the draft forms are available on the TDI website at www.tdi.texas.gov/wc/rules/proposedrules/documents/drafeefms0816m.pdf.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. Central time on September 19, 2016. TDI-DWC will hold a public hearing on Tuesday, September 13, 2016 in the Tippy Foster Room at the TDI-DWC Central Office. The public hearing will begin at 9:00 a.m. and TDI-DWC will consider written comments and public testimony presented.

Send written comments by email to Rulecomments@tdi.texas.gov or by mail to:

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