



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Office of General Counsel (MS-15)

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memo

To: Workers' Compensation System Participants

From: Emily McCoy, Associate General Counsel, Division of Workers' Compensation

Date: January 10, 2018

RE: Proposal: Amend 28 TAC §134.500, regarding Definitions; 28 TAC §134.530, Requirements for Use of the Closed Formulary for Claims Not Subject to Certified Networks; 28 TAC §134.540, Requirements for Use of the Closed Formulary for Claims Subject to Certified Networks

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting public comments on proposed rules to amend 28 Texas Administrative Code (TAC) §§134.500, 134.530, and 134.540.

Proposed amendments to §134.500 will exclude from the closed formulary all prescription drugs created through compounding. Proposed amendments to §§134.530 and 134.540 will require preauthorization of these drugs for claims subject to and not subject to certified networks. The proposed rule change does not prohibit the use of compounded drugs for injured employees when medically necessary; however, it does require that the medical necessity be determined prior to dispensing these drugs.

If you would like to submit written comments on this proposal, please submit your comments by 5 p.m. CST on February 20, 2018. Send written comments by email to rulecomments@tdi.texas.gov or by mail to Maria Jimenez, Texas Department of Insurance, Division of Workers' Compensation, Office of the General Counsel, MS-4D, 7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645.

The division will conduct a public hearing on this rulemaking on Thursday, February 15, 2018 at 10 a.m. in the Tippy Foster Room of the Texas Department of Insurance, Division of Workers' Compensation, 7551 Metro Center Drive in Austin, Texas 78744. The division will consider written comments and public testimony presented at the hearing. The division provides reasonable accommodations for persons attending meetings, hearings, or educational events, as required by the American with Disabilities Act. If you require accommodations in order to attend the hearing, please contact Maria Jimenez at (512) 804-4703 at least two business days prior to the hearing date. The hearing will also be audio streamed; to listen to the audio stream, access the DWC Calendar at www.tdi.texas.gov/wc/events/index.html.

The proposal will be published in the January 19, 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.