



TEXAS DEPARTMENT OF INSURANCE

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

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memo

To: Workers' Compensation System Participants

From: Tracey Beaver, Director, Office of Workers' Compensation Counsel

Date: November 24, 2015

Proposal: Amended 28 Texas Administrative Code (TAC) §132.7, regarding duration of death benefits for

RE: eligible spouse, and §132.13, regarding burial benefits.

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting public comments on proposed rules to amend 28 TAC §132.7 and §132.13.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. Central time on Monday, January 4, 2016. A request for 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 December 4, 2015 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/proposedrules/index.html.

Proposed amendments to §132.7 and §132.13 implement House Bill (HB) 1094 and Senate Bill (SB) 653, 84th Legislature, Regular Session (2015). HB 1094 amended Labor Code §408.183 to allow eligible spouses of first responders to remain eligible for death benefits after remarriage, if the first responder suffered death in the course and scope of employment or while providing services as a volunteer. SB 653 amended Labor Code §408.186 to increase the maximum reimbursement for burial benefits payable in the workers' compensation system from \$6,000 to \$10,000. The changes in Labor Code §408.183 and §408.186 made by HB 1094 and SB 653 apply only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after September 1, 2015. TDI-DWC is posting an informal working draft of the DWC Form-042 simultaneously with this rule.

Additional information and the draft forms are on the Texas Department of Insurance website at www.tdi.texas.gov/wc/rules/proposedrules/documents/drdwc0421115m.pdf.