

**Texas Department of Insurance**  
**Notice of Workers Compensation Filing**  
**National Council on Compensation Insurance *Item 02-TX-2019***

**Description:**

- The National Council on Compensation Insurance (NCCI) filed *Item 02-TX-2019--Revisions to the Texas Dispute Resolution Process and Texas Amendatory Endorsement* on November 14, 2019.
- In Texas, each workers compensation insurance carrier is responsible for assigning a classification code in accordance with the workers compensation manuals.
  - If a carrier and policyholder cannot agree on the appropriate code, they can request NCCI's assistance. The Texas Exception in *Item 02-TX-2019* describes how to use NCCI's dispute resolution services in Texas.
  - Requesting NCCI's assistance does not prevent the policyholder or carrier from pursuing any available legal remedies at any time.
- *Item 02-TX-2019* clarifies how dispute resolution services work in Texas by:
  - revising Item 8 in *Introduction--Application of Manual Rules* in NCCI's *Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual)*, regarding dispute resolution;
  - eliminating national *Appendix G--Dispute Resolution Process* in NCCI's *Basic Manual* in Texas;
  - establishing a Texas Exception to *Appendix G--Dispute Resolution Process* in NCCI's *Basic Manual*; and
  - revising the Texas Amendatory Endorsement in NCCI's *Forms Manual of Workers Compensation and Employers Liability Insurance*.
- NCCI proposed that *Item 02-TX-2019* be effective for disputes that are pending with NCCI or are received by NCCI on or after 12:01 a.m. on January 1, 2020. Per

Commissioner's Order No. 3142, the Commissioner may issue an order approving the filing, approving the filing with changes, or rejecting the filing.

**Affected NCCI Manuals:**

- *Basic Manual for Workers Compensation and Employers Liability Insurance*; and
- *Forms Manual of Workers Compensation and Employers Liability Insurance*.

**Review and Comment:**

- You may review a copy of *Item 02-TX-2019* in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, TX 78701; or at [www.tdi.texas.gov/rules/2019/nccimanual.html](http://www.tdi.texas.gov/rules/2019/nccimanual.html) during the comment period.
- To comment on the filing or to request a hearing, submit your comments or request to [ChiefClerk@tdi.texas.gov](mailto:ChiefClerk@tdi.texas.gov), or to the Office of the Chief Clerk, MC 112-2A, Texas Department of Insurance, P.O. Box 149104, Austin, TX 78714-9104 by 5 p.m., Central time, on February 21, 2020. Submit comments separately from any hearing request. Refer to ECase No. 23035.

**Procedure:**

NCCI filed *Item 02-TX-2019* (SERFF Tracking Nos. NCCI-132153301 and 132153302) with TDI on November 14, 2019, under the workers compensation manual rule filing procedure adopted in Commissioner's Order No. 3142, dated March 21, 2014.

Issued in Austin, Texas, on January 21, 2020.

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James Person, General Counsel  
Texas Department of Insurance