

**TITLE 28. INSURANCE**

**PART 2. TEXAS DEPARTMENT OF INSURANCE,  
DIVISION OF WORKERS' COMPENSATION**

**CHAPTER 180: MONITORING AND ENFORCEMENT**

**SUBCHAPTER B: MEDICAL BENEFIT REGULATION  
REPEAL: §180.21**

**1. INTRODUCTION.**

The Texas Department of Insurance (Department), Division of Workers' Compensation (Division) adopts the repeal of §180.21, concerning the Division Designated Doctor List. The repeal is adopted without changes to the proposal as published in the February 24, 2012, issue of the *Texas Register* (37 TexReg 1170) and will become effective September 1, 2012.

**2. REASONED JUSTIFICATION**

This repeal is necessary to ensure clarity and efficiency in designated doctor regulation and is adopted simultaneously with the adoption of amended §§127.1, 127.5, 127.10, 127.20, and 127.25 and new §§127.100, 127.110, 127.120, 127.130, 127.140, 127.200, 127.210, and 127.220 of this title (relating to Designated Doctor Procedures and Requirements), which are published elsewhere in this issue of the Texas Register. These adopted amended and new sections recodify the majority of the provisions of §180.21 of this title (relating to Division Designated Doctor List). The remaining provisions of §180.21 are repealed without recodification because the provisions are either no longer applicable or redundant with other Division rules.

This repeal was formally proposed, together with proposed amended §§127.1, 127.5, 127.10, 127.20, 127.25, and 180.23 of this title; new §§127.100, 127.110, 127.120, 127.130, 127.140, 127.200, 127.210, and 127.220 of this title; and repealed §130.6 of this title, in the February 24, 2012, issue of the Texas Register, and the Division received one formal comment on the proposal.

This repeal will take effect on September 1, 2012. This effective date for the repeal is necessary to coincide with the effective dates for amended §§127.1, 127.5, 127.10, 127.20, 127.25, and 180.23 of this title; new §§127.100, 127.110, 127.120, 127.130, 127.140, 127.200, 127.210, and 127.220 of this title; and repealed §130.6 of this title.

### **3. SUMMARY OF COMMENTS AND AGENCY RESPONSES.**

**General:** One commenter supports the Division's repeal of this section.

**Agency Response:** The Division appreciates the support.

### **4. NAMES OF THOSE COMMENTING FOR AND AGAINST THE SECTION.**

**For:** Insurance Council of Texas.

**Against:** None.

### **5. STATUTORY AUTHORITY.**

This repeal is adopted under the broad general authority granted to the Commissioner of Workers' Compensation by Labor Code §402.00111 and §402.061. Section 402.00111 provides that the Commissioner of Workers' Compensation shall exercise all executive authority, including rulemaking authority under the Labor Code. Section 402.061 provides that the Commissioner of Workers' Compensation shall adopt rules as necessary for the implementation and enforcement of the Labor Code.

### **6. TEXT.**

**§180.21. *Division Designated Doctor List.***

**7. CERTIFICATION.**

This agency hereby certifies that this adopted repeal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued at Austin, Texas, on July 09, 2012.

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Dirk Johnson  
General Counsel  
Texas Department of Insurance,  
Division of Workers'

**IT IS THEREFORE THE ORDER** of the Commissioner of Workers' Compensation that §180.21, specified herein, concerning the Division Designated Doctor List, is repealed.

AND IT IS SO ORDERED.

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ROD BORDELON  
COMMISSIONER OF WORKERS' COMPENSATION

ATTEST:

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Dirk Johnson  
General Counsel