



TEXAS DEPARTMENT OF INSURANCE

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

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To: System Participants

From: Nicholas Canaday, III, General Counsel

Date: November 14, 2019

RE: Proposed New Rules to Implement HB 387

The Texas Department of Insurance, Division of Workers' Compensation (DWC) is accepting comments on proposed amendments to 28 Texas Administrative Code (TAC) §129.5 to implement House Bill (HB) 387, 86th Legislature. HB 387 amends Texas Labor Code §408.025(a-1) to include licensed advanced practice registered nurses as the persons to whom a treating doctor may delegate the authority to complete, sign, and file a work status report (DWC Form-073) and became effective September 1, 2019.

Proposed 28 TAC §129.5 will:

- conform DWC rules to HB 387, allowing a treating doctor to delegate authority to complete, sign, and file a work status report to a licensed advanced practice registered nurse;
- provide that the delegating treating doctor is responsible for the acts of the licensed advanced practice registered nurse under Labor Code §408.025(a-1) and Texas Occupations Code Chapter 301, *Nurses*; and
- include minor updates and editorial corrections.

The proposed rule was published in the October 11, 2019, issue of the *Texas Register* at 44 *TexReg* 5878 and is available at www.sos.state.tx.us/texreg/index.shtml. A courtesy copy is also on the [TDI website](http://TDI.texas.gov). Written comments or public hearing requests may be submitted to RuleComments@tdi.texas.gov, or by mailing or delivering your comments to:

Cynthia Guillen
Office of the General Counsel, MS-4D
Texas Department of Insurance, Division of Workers' Compensation
7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645

DWC has extended the public comment period for the proposed rules. Comments must be received by 5 p.m., Central time, on Monday, December 23, 2019. Any requests for a public hearing must be submitted by the comment deadline.

In conjunction with the proposed rule, Commissioner Brown has finalized revisions to DWC Form-073, *Work Status Report*. The revised DWC Form-073 includes a new box to allow licensed advanced practice registered nurses to complete and sign the form. DWC encourages system participants to continue accepting the prior DWC Form-073 through the end of the calendar year to allow doctors, licensed physician assistants, and licensed advanced practice registered nurses time to transition to the updated form.