

CHAPTER 102. PRACTICES AND PROCEDURES--GENERAL PROVISIONS
28 TAC §102.2

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) adopts amendments to 28 TAC §102.2, concerning gifts, grants, and donations. The amendments are adopted without changes to the proposed text published in the May 17, 2024, issue of the *Texas Register* (49 TexReg 3483). The rule will not be republished.

REASONED JUSTIFICATION. The amendments update the language in §102.2 and remove obsolete provisions. Amending §102.2 is necessary to reflect the current agency structure to ensure that the rule is clear and accurate. Texas Labor Code §402.062 permits DWC to accept gifts, grants, or donations as provided by DWC rules. The amendments also explain DWC's process for providing notice of gifts, grants, and donations, and include nonsubstantive editorial and formatting changes that make updates for plain language and agency style to improve the rule's clarity.

SUMMARY OF COMMENTS AND AGENCY RESPONSE.

Commenters: DWC received one written comment and no oral comments. The Office of Injured Employee Counsel (OIEC) commented in support of the proposal. Nobody commented against the proposal or suggested changes to it.

Comment on §102.2. OIEC supported DWC's amendments regarding posting gifts, grants, or donations of \$500 or more on its website for five years.

Agency Response to Comment on §102.2. DWC appreciates the comment.

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STATUTORY AUTHORITY. The commissioner of workers' compensation adopts the amendments to §102.2 under Labor Code §§402.062, 402.00111, 402.00116, and 402.061.

Labor Code §402.062 permits DWC to accept gifts, grants, or donations as provided by DWC rules.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

TEXT.

§102.2. Gifts, Grants, and Donations.

(a) The division may accept and use gifts, grants, and donations in accordance with applicable law, including the Labor Code and the Government Code.

(b) On receiving a gift, grant, or donation of \$500 or more, the division will post on the public website for at least five years from the date it was received:

- (1) The date the division received the gift, grant, or donation.
- (2) The identity of the donor.
- (3) The amount of the gift, grant, or donation.
- (4) If applicable, the stated purpose of the gift, grant, or donation.

(c) A donor may direct the use of the gift, grant, or donation in writing. The division will follow this direction as nearly as practicable, and in accordance with state and federal law.

(d) The division may not accept a gift or donation of \$500 or more from a person who is a party to a contested case before the agency until the 30th day after the decision in the case becomes final under §2001.144 of the Texas Government Code. For purposes of this rule, "contested case" has the meaning assigned by §2001.003 of the Texas Government Code.

CERTIFICATION. The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on June 21, 2024.



Kara Mace
General Counsel
TDI, Division of Workers' Compensation

TITLE 28. INSURANCE
Part 2. Texas Department of Insurance,
Division of Workers' Compensation
Chapter 102. Practices and Procedures--General Provisions

Adopted Section
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The commissioner adopts the amendments to 28 TAC §102.2.

A handwritten signature in black ink, appearing to read "Jeff Nelson", is written over a solid horizontal line.

Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Commissioner's Order No. 2024-8694