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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [November 19, 2024](#)

Subject: Adopted rule on Chapter 134, Subchapter F, Pharmaceutical Benefits

The Texas Department of Insurance, Division of Workers' Compensation (DWC) adopted a rule that updates and reorganizes 28 Texas Administrative Code Chapter 134, [Subchapter F](#), concerning pharmaceutical benefits. The changes repeal Sections [134.506](#) and [134.510](#), and amend Sections [134.500](#), [134.501](#), [134.502](#), [134.503](#), [134.504](#), [134.520](#), [134.530](#), [134.540](#), and [134.550](#). Subchapter F implements Texas Labor Code Sections [408.028](#) and [413.011](#), and Texas Insurance Code Chapter [1305](#). The DWC medical advisor recommended the amendments to the commissioner of workers' compensation under Labor Code Section [413.0511\(b\)](#).

The changes are necessary to remove obsolete provisions and to update references and language to be consistent with other rules. When the rules were originally adopted, they included transition provisions to move workers' compensation to a closed formulary system. Those transition provisions are no longer necessary, so the amendments remove them. The changes also include nonsubstantive editorial and formatting updates for plain language and agency style to improve the rule's clarity.

DWC adopted the rule with changes to the proposed text. DWC discarded a few specific proposed changes and reverted to existing rule text in parts of Sections [134.504](#), [134.530](#), [134.540](#), and [134.550](#) in response to comments to avoid unintended consequences. DWC received two written comments on the rule by the September 23, 2024, deadline. The rule will be effective on November 29, 2024.

The rule will be published in the November 29, 2024, issue of the *Texas Register* and available at www.sos.state.tx.us/texreg/index.shtml once published. We will also post a copy of the rule on the website at www.tdi.texas.gov/wc/rules/2024rules.html.