

28 TAC §147.10.

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) adopts the amendment of the title of 28 TAC §147.10, concerning commutation of impairment income benefits. DWC adopts §147.10 without changes to the proposed text published in the August 23, 2024, issue of the *Texas Register* (49 TexReg 6407). The rule will not be republished.

REASONED JUSTIFICATION. The amendment corrects an inadvertent duplication in the title of §147.10. The proposal amending Chapter 147, which was published in the April 5, 2024, issue of the *Texas Register* (49 TexReg 2165) reorganized the chapter to make it easier to understand and use. In that proposal, the title of §147.10 was inadvertently renamed to duplicate the title of §147.11. Amending §147.10 is necessary to correct the title of §147.10 to Commutation of Impairment Income Benefits to better describe its purpose.

SUMMARY OF COMMENTS AND AGENCY RESPONSE.

Commenters: DWC received one written comment, and no oral comments. Commenters in support of the proposal were: Office of Injured Employee Counsel (OIEC). DWC did not receive any comments against the proposal.

Comment on §147.10. OIEC commented that they support DWC's proposed change to the title of Rule 147.10 to "Commutation of Impairment Income Benefits" to better describe its purpose.

Agency Response to Comment on 147.10. DWC appreciates the comment.

28 TAC §147.10.

STATUTORY AUTHORITY. The commissioner of workers' compensation adopts the amendment to 28 TAC §147.10 under Labor Code §§408.128, 402.00111, 402.00116, and 402.061.

Labor Code §408.128 allows an employee to elect to commute the remainder of their entitled impairment income benefits if the employee has returned to work for at least three months, earning at least 80% of the employee's average weekly wage.

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.

§147.10. Commutation of Impairment Income Benefits.

(a) A request to commute impairment income benefits must:

- (1) be in writing on a form prescribed by the division;
- (2) state the date the employee reached maximum medical improvement, the impairment rating, and the employee's weekly impairment income benefit;
- (3) be sent to the insurance carrier; and
- (4) be filed with the division.

(b) The insurance carrier must send a notice of approval or denial of the request to the employee no later than 14 days after receiving the request. A notice of approval must include payment of the commuted impairment income benefits. A notice of denial must include the insurance carrier's reasons for denial. A copy of the notice must be filed with the division.

(c) If the insurance carrier denies the request, the employee may request the division to schedule a benefit review conference to resolve the issue, as provided by §141.1 of this title (relating to Form and Execution).

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 September 27, 2024.



Kara Mace
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TDI, Division of Workers' Compensation

TITLE 28. INSURANCE
Part 2. Texas Department of Insurance,
Division of Workers' Compensation
Chapter 147. Dispute Resolution--Agreements, Settlements, Commutations

Adopted Section
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The commissioner adopts the amendment to 28 TAC §147.10.

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

Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Commissioner's Order No. 2024-8865