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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [November 14, 2024](#)

Subject: Adopted rule on designated doctor procedures and requirements and lifetime income benefits to implement House Bill 2468

The Texas Department of Insurance, Division of Workers' Compensation (DWC) adopted amendments to 28 Texas Administrative Code (TAC) [Chapter 127](#), Designated Doctor Procedures and Requirements and 28 TAC [Chapter 131](#), Benefits--Lifetime Income Benefits. The amendments and new sections implement House Bill (HB) 2468, 88th Legislature, Regular Session (2023), which amended Texas Labor Code Section [408.0041](#) and enacted Labor Code Section [408.1615](#).

The amendments are necessary to implement HB 2468.

DWC adopted the rule with minor changes to the proposed text. In response to public comment, we:

- Revised the definition of "first responders" to "first responder" in Section 131.10 to be consistent with the term used in Labor Code Section 408.1615.
- Replaced the term "electronically" with "electronic transmission" in Section 131.12(c)(1) to maintain consistency with terminology in other rules.
- Changed "division" to "commissioner" in proposed Section 131.14(b) to be consistent with the Labor Code.
- Added language to Section 131.12(d) that requires the insurance carrier to include on a first responder's annual certification the date by which the certification must be returned to the insurance carrier under Section 131.12(c).

DWC received no oral comments at the June 25, 2024, public hearing, and three written comments on the rule by the July 1, 2024, deadline. The rule will be effective on November 21, 2024.

The rule will be published in the November 15, 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.

We also finalized updates to the following related DWC forms. The forms are on our website at <https://tdi.texas.gov/forms/form20.html>, and are available to use on November 21, 2024.

- Revised: DWC Form-032, *Request for Designated Doctor Examination*.
- New: DWC Form-038, *Application for Lifetime Income Benefits*.
- New: DWC Form-039, *First Responder's Annual Certification for Lifetime Income Benefits*.
- Revised: DWC PLN-04, *Notice of Eligibility for Lifetime Income Benefits*.
- Revised: DWC PLN-07, *Notice of Change of Indemnity Benefit Type*.