

SUBCHAPTER A. GENERAL RULES FOR MEDICAL BILLING AND PROCESSING.
[~~28 TAC §§133.4 AND 133.5.~~]

SUBCHAPTER D. DISPUTE OF MEDICAL BILLS.
[~~28 TAC §133.309.~~]

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) adopts the repeal of 28 TAC §§133.4 and 133.5, concerning informal and voluntary networks, and §133.309, concerning medical disputes for workers' compensation claims. DWC adopts §§133.4, 133.5, and 133.309 without changes to the proposal published in the October 10, 2025, issue of the *Texas Register* (50 TexReg 6655). The rule will not be republished.

REASONED JUSTIFICATION. Repealing §§133.4 and 133.5 is necessary because they expired on January 1, 2011, when Texas Labor Code §413.011(d-1) - (d-3) and (d-6) expired. Repealing §133.309 is necessary because the Third Court of Appeals, Austin, Texas, declared it invalid in 2008. *Texas Dept. of Ins. v. Insurance Council of Texas*, No. 03-05-00189-CV, 2008 WL 744681(Tex. App.- Austin March 21, 2008, no pet.). Repealing these rules is necessary to ensure that the rules in the subchapters are relevant, which reduces clutter and confusion.

SUMMARY OF COMMENTS AND INFORMATION SUBMITTED, AND AGENCY RESPONSE.

Commenters: DWC received one written comment, and no oral comments. No commenters included information, data, research, or analysis about the cost, benefit, or

effect of the proposal. The Office of Injured Employee Counsel (OIEC) commented in support of the proposal. DWC did not receive comments that were against the proposal.

Comment on §§133.4 and 133.5. OIEC supports the repeal of §§133.4 and 133.5 as they expired on January 1, 2011.

Agency Response to Comment on §§133.4 and 133.5. DWC appreciates the comment.

Comment on §133.309. OIEC supports the repeal of §133.309 because it was declared invalid in *Texas Dept. of Ins. v. Insurance Council of Texas*, No. 03-05-00189-CV, 2008 WL 744681(Tex. App.- Austin March 21, 2008, no pet.).

Agency Response to Comment on §133.309. DWC appreciates the comment.

SUBCHAPTER A. GENERAL RULES FOR MEDICAL BILLING AND PROCESSING.

~~[28 TAC §§133.4 AND 133.5.]~~

STATUTORY AUTHORITY. The commissioner of workers' compensation adopts the repeals of 28 TAC §§133.4 and 133.5 under Labor Code §§402.00111, 402.00116, 402.061, 413.011, and 413.0115.

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.

Labor Code §413.011 provides health care reimbursement policies and guidelines.

Labor Code §413.0115 provides requirements for certain voluntary or informal networks.

TEXT.

§133.4. Written Notification to Health Care Providers of Contractual Agreements for Informal and Voluntary Networks.

§133.5. Informal Network and Voluntary Network Reporting Requirements to the Division.

SUBCHAPTER D. DISPUTE OF MEDICAL BILLS.

~~[28 TAC §133.309.]~~

STATUTORY AUTHORITY. The commissioner of workers' compensation adopts the repeal of §133.309 under Labor Code §§402.00111, 402.00116, 402.061, and 413.031.

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.

Labor Code §413.031 outlines medical dispute resolution.

TEXT.

§133.309. Alternate Medical Necessity Dispute Resolution by Case Review Doctor.

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 December 18, 2025.



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TITLE 28. INSURANCE
Part 2. Texas Department of Insurance,
Division of Workers' Compensation
Chapter 133. General Medical Provisions

Adopted Repeals
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The commissioner adopts the repeals of 28 TAC §§133.4, 133.5, and 133.309.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Commissioner's Order No. 2025-9696