

CHAPTER 1. GENERAL ADMINISTRATION

SUBCHAPTER A. RULES OF PRACTICE AND PROCEDURE DIVISION 2. RULE MAKING PROCEDURES 28 TAC §§1.208 - 1.210

SUBCHAPTER E. NOTICE OF TOLL-FREE TELEPHONE NUMBERS AND PROCEDURES FOR OBTAINING INFORMATION AND FILING COMPLAINTS 28 TAC §1.601 AND §1.602

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INTRODUCTION. The Texas Department of Insurance (TDI) proposes to amend 28 TAC §§1.208 - 1.210, 1.601, 1.602, 1.705, 1.804, and 1.2803. These amendments are necessary to update TDI contact information that appears in rules and forms and to ensure that the public receives updated TDI contact information.

EXPLANATION. TDI has moved from its previous location in the William P. Hobby Building at 333 Guadalupe Street in Austin, Texas 78701, to the Barbara Jordan State Office Building at 1601 Congress Avenue in Austin, Texas 78701. Because of this, amendments are necessary to update TDI's mailing address and physical address where they are listed in current rule sections in Chapter 1. As part of this update, TDI also proposes amendments to revise email addresses and other contact information, where appropriate, to ensure that the rules have TDI's current information. The amendments also update rule language for consistency with current TDI plain-language preferences and

drafting practices. While the amendments relating to consumer notices build in time for compliance, nothing prevents a regulated person from providing TDI's updated contact information to consumers immediately.

The proposed amendments are described in the following paragraphs.

Section 1.208. Purpose and Applicability. The proposal removes §1.208(a), which describes the purpose of the section, because TDI believes it is no longer necessary to include it in the rule. The remaining subsection designations are changed to reflect the removal of §1.208(a). The proposal also removes "Purpose and" in the section title to reflect the proposed removal of §1.208(a). The proposal also updates implementation dates, where necessary. Documents provided to consumers or the public that include TDI contact information must be updated by July 1, 2023. Documents printed before January 1, 2023, may be used until September 1, 2023.

Nonsubstantive changes include revising references to sections, removing "(HMO)," and replacing "chapter" with "title" to conform with current agency drafting style and plain-language preferences.

Section 1.209. Telephone, Facsimile, Email Address, Website Address, and Street Address in Rules, Forms. Section 1.209 clarifies that current addresses and contact information for TDI should be used as a substitute when text in a TDI rule references outdated TDI contact information. The proposal adds 333 Guadalupe Street, Austin, Texas 78701 as an old address for TDI and provides the updated Congress Avenue address as the substitute. The proposal also adds TDI's outdated mailing address to rule text and provides the agency's new mailing address for use as the substitute.

The proposal restructures the section by deleting the subsection (a) designation and replaces subsection (b) with paragraph (3) to reflect the new section structure. The proposal amends the figure citation to "Figure: 28 TAC §1.209(2)" to reflect the proposed rule structure. The proposal also deletes §1.209(c), which references a chart listing rules

and forms affected by the rule on TDI's rule website. The chart will, however, remain on TDI's website as a reference for rules containing phone numbers that changed in 2014.

The proposal makes nonsubstantive changes to replace the word "facsimile" with the word "fax" as it appears in the section title and in the text of the section for consistency with Figure: 28 TAC §1.209(2). The proposal replaces "street address" with "department addresses" as it appears in the section title to reflect the proposed inclusion of mailing addresses in the section. The proposal also updates internal citations and replaces the word "chapter" with "title" and "HMO" with "health maintenance organizations (HMOs)" to reflect current agency plain-language preferences and drafting style.

Section 1.210. Notice to Customers. Section 1.210 requires insurers and HMOs that issued policies that do not expire but are currently in effect to provide customers with an "Important Notice" in §1.601 and §1.602 by a specific date. The proposed amendments replace the reference to the "Important Notice" with "notice forms required" for accuracy with the current rule language in §1.601. The amendments also propose September 1, 2023, as the date by which regulated entities must comply with the rule.

Nonsubstantive changes include replacing "chapter" with "title" and "HMOs" with "health maintenance organizations" to reflect current agency plain-language preferences and drafting style.

Section 1.601. Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures. Section 1.601 provides insurers and HMOs with a notice they must provide to consumers that contains TDI contact information. The proposal updates TDI's mailing and email address in Figure: 28 TAC §1.601(a)(2)(B) and Figure: 28 TAC §1.601(a)(2)(C), and it provides in §1.601(e) that insurers and HMOs must begin providing the updated notice forms in information to policyholders by July 1, 2023.

The proposal also makes nonsubstantive changes to remove the statement "the following information" and replace the word "font" with "type" to conform with current agency drafting style.

Section 1.602. Notice of Internet Website. Section 1.602 specifies contact information for TDI that insurers identified in the section must provide to consumers. The proposal updates TDI's mailing address in Figure: 28 TAC §1.602(b)(1)(C), and it provides in §1.602(b)(1)(C) that insurers must begin providing the updated notice of internet website form to policyholders by July 1, 2023.

The proposal also clarifies which implementation date applies to Figure: 28 TAC §1.602(b)(1)(C) and Figure: 28 TAC §1.602(b)(2) and that insurers must include the language in subparagraphs (A) and (B) of §1.602(b)(1) in the notice required under §1.601(a)(2) with each policy specified.

The proposed amendments make nonsubstantive changes to remove reference to the word "internet" in the section title and the word "and" in §1.602(b)(1)(A). Nonsubstantive changes also replace the word "font" with "type," "who" with "that," "Helpinsure.com" with "HelpInsure.com" and the statement "top 25" with "top-25" to conform with current agency drafting style and plain-language preferences.

Section 1.705. Review. Section 1.705 provides the process for a person affected by an action taken by an associate or deputy commissioner under 28 TAC Chapter 1, Subchapter F, to petition the Commissioner for review of the action. The proposal updates the mailing address and adds the Chief Clerk email address where any affected person may file a petition.

The proposal also capitalizes the word "Commissioner," replaces the statement "pursuant to" with "under," and replaces the word "shall" with either "must" or "will," as appropriate, to reflect current agency drafting style and plain-language preferences.

Section 1.804. Manner of Notice. Section 1.804 identifies locations where TDI and the State Fire Marshal's Office (SFMO) previously posted notices. The proposed amendments remove existing §1.804(a) because TDI and SFMO no longer post hard copy notices at the agency's physical location. Because §1.804(a) is removed, the designation "(b)" is also removed. Proposed amendments also clarify how notice under §1.804 will be delivered to applicants and provides notice through a designated email as an example.

Section 1.2803. Notice About Certain Information Laws and Practices. Section 1.2803 contains a notice regarding information TDI collects. The proposal updates the contact information provided in Figure: 28 TAC §1.2803(a) to remove the specific TDI division to contact. Instead, the proposed amendments provide the dedicated email address where individuals requesting record corrections may submit their request; updates a reference to TDI's website address; and, to promote clarity and prevent consumer confusion, removes a reference to an outdated title of the website where procedures for making corrections can be found. Finally, the proposal replaces the word "subchapter" with "section" to incorporate the notice under §1.2803 on the new effective date for the section.

Proposed nonsubstantive amendments replace the word "shall" with "will" and the words "Internet site" and "web page" with "website" to conform with current agency drafting style and plain-language preferences.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Justin Beam, chief clerk of TDI, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the sections. Mr. Beam made this determination because the sections as proposed do not add to or decrease state revenues

or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Mr. Beam does not anticipate a measurable effect on local employment or the local economy as a result of this proposal because the proposed amendments do not make any substantive changes.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Mr. Beam expects that administering the proposed sections will have the public benefits of ensuring that TDI's rules are transparent and accurate by reflecting TDI's current contact information.

The proposed amendments will update contact information found in Chapter 1 so consumers, insurers, HMOs, other regulated persons, and the public can effectively contact TDI. The proposed amendments will make it easier for consumers to understand where and how to get help with an insurance question or workers' compensation problem and provide accurate information on how to make a complaint. TDI might not receive mailed complaints if the forms are not updated. The updates to TDI's contact information will also provide the public with a way to effectively mail or email a petition to request a hearing and request a correction of agency-controlled information about the requesting individual.

Mr. Beam anticipates that the proposed amendments to §1.210 will impose a one-time cost on persons required to mail the updated forms required under §1.601 and §1.602 to some current policyholders. Most policyholders will receive the forms required under §1.601 and §1.602 when their policies are renewed. But this will not be the case for policyholders with plans that do not expire.

Section 1.210 requires insurers and HMOs to provide the new, updated notice forms required under §1.601 and §1.602 to their customers who have contracts, policies, or plans that are in effect and do not expire.

Mr. Beam anticipates the costs associated with §1.210 to include the costs of printing and mailing the new notices to current policyholders who possess outdated notice forms. It is not possible for TDI to estimate the total increased printing, copying, mailing, and transmitting costs related to compliance with this proposal because there are many factors involved that TDI cannot quantify. Mr. Beam believes that some printing, copying, and mailing costs may be reduced if insurers or HMOs are able to electronically transmit the notice forms to their policyholders according to the requirements outlined in Insurance Code Chapter 35.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments may have an adverse economic effect on small or micro businesses. The cost analysis in the Public Benefit and Cost Note section of this proposal also applies to these small and micro businesses. TDI estimates that the proposed amendments to §1.210 may affect approximately 45 to 75 small or micro businesses. This proposal's primary objective is to ensure policyholders have accurate and current TDI contact information so they can successfully report complaints and receive help with certain insurance issues. The previously provided notice forms contain outdated TDI mailing and physical addresses because TDI moved to the Barbara Jordan State Office Building in 2022.

TDI has determined that the proposed amendments will not have an adverse economic effect or a disproportionate economic impact on rural communities because the amendments do not apply to rural communities.

TDI considered the following alternatives to minimize any adverse effect on small and micro businesses while accomplishing the proposal's objectives:

- (1) not proposing amendments to §1.210;
- (2) proposing a different requirement for small and micro businesses that issue insurance coverage described in §1.210; and
- (3) extending the small and micro business deadline for compliance under §1.210.

Not proposing amendments to §1.210. As previously noted, this proposal's primary purpose is to ensure policyholders receive updated TDI contact information. Excluding §1.210 from the scope of this proposal would result in certain policyholders failing to receive updated TDI contact information. After the old mailboxes are closed and mail forwarding expires, TDI might not receive complaints sent by mail to the old addresses. In addition, policyholders who possess outdated TDI contact information might be unable to efficiently resolve their complaints or receive help from TDI staff. For these reasons, TDI has rejected this option.

Proposing a different requirement for small and micro businesses that issue insurance coverage described in §1.210. TDI believes that proposing different standards than those included in this proposal would not provide a better option for small or micro businesses. No reasonable alternative exists that ensures policyholders who possess contracts, policies, or plans regulated under §1.210 will receive timely notice of TDI's new contact information. Imposing a different requirement would result in disparate treatment between policyholders who received updated TDI contact information and those who did not. Complaints sent to the outdated mailing and physical address might not be received by TDI. For these reasons, TDI has rejected this option.

Extending the small and micro business deadline for compliance under §1.210. TDI presumes that small and micro businesses will continue to issue policies, bonds, annuity contracts, certificates, or evidences of coverage that will be delivered,

issued for delivery, or renewed in Texas in compliance with §1.601. Extending the deadline by which small and micro businesses must provide the updated notice form to current policyholders will not meaningfully change the effect on small or micro businesses because the printing and mailing costs will still exist. For these reasons, TDI has rejected this option.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that the proposed amendments to §1.210 do impose a possible cost on regulated persons, as explained above. However, no additional rule amendments are required under Government Code §2001.0045 because the proposed amendments to §1.210 are necessary to implement legislation. The proposed rule implements Insurance Code §521.005, which requires each insurance policy delivered or issued for delivery in Texas to provide a notice to policyholders that contains certain information, including TDI's name, address, and toll-free telephone number. Senate Bill 1349 and House Bill 1, 86th Legislature, 2019, Regular Session, authorized the Texas Facilities Commission to sell the William P. Hobby building where TDI's offices were located. TDI's move to the Barbara Jordan State Office Building necessitated the update of all TDI mailing and physical addresses.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the sections as proposed are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;

- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on February 13, 2023. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, PO Box 12030, Austin, Texas 78711-2030.

To request a public hearing on the proposal, submit a request before the end of the comment period to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, PO Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on February 13, 2023. If TDI holds a public hearing, TDI will consider written and oral comments presented at the hearing.

SUBCHAPTER A. RULES OF PRACTICE AND PROCEDURE.
DIVISION 2. RULE MAKING PROCEDURES.
28 TAC §§1.208 - 1.210

STATUTORY AUTHORITY. TDI proposes amendments to §§1.208 - 1.210 under Insurance Code §521.005(a)(2) and §36.001.

Insurance Code §521.005(a)(2) provides that each insurance policy delivered or issued for delivery in this state must include a brief written notice that includes TDI's name and address.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. The amendments to §§1.208 - 1.210 affect Insurance Code §521.005.

TEXT.

§1.208. [~~Purpose and~~] Applicability.

~~[(a) TDI changed its Internet domain name and most of its telephone and fax numbers, as of 2015. TDI's 1-800 numbers did not change. Sections 1.208 - 1.210 establish requirements to ensure that the public receives updated TDI contact information.]~~

(a) This section and §1.209 and §1.210 of this title ~~[(b) Sections 1.208 - 1.210]~~ apply to all documents or information provided to consumers or the public that include TDI contact information, including contracts, policies, evidences of coverage, bonds, certificates of insurance, and notices, delivered, issued for delivery, or renewed in this state, and subject to regulation under the Insurance Code, except as specified in §1.210 of this title.

(b) [(c)] Documents and information described in subsection (a) [(b)] of this section and issued on or after July 1, 2023, ~~[December 1, 2015,]~~ must reflect the current TDI

contact information described in §1.209 of this title, [~~chapter,~~] except as provided by subsection (c) [~~(d)~~] of this section and §1.210 of this title.

(c) [~~(d)~~] Notwithstanding subsection (b) [~~(c)~~] of this section, insurers, health maintenance organizations [~~(HMOs)~~], and other regulated persons may continue to use and issue documents and information described in subsection (a) [~~(b)~~] of this section until September 1, 2023, [~~June 1, 2016,~~] if the documents or information were printed before January 1, 2023. [~~June 1, 2015.~~]

(d) [~~(e)~~] Documents and information described in subsection (a) [~~(b)~~] of this section that were approved or filed, whichever is applicable, before January 1, 2023, [~~June 1, 2015,~~] may be delivered or issued for delivery without refiling.

§1.209. Telephone, Fax, [~~Fa~~simile,] Email Address, Website Address, and Department Addresses [~~Street Address~~] in Rules, Forms.

(a) The purpose of this section is to update TDI rules and to require insurers, health maintenance organizations (HMOs), [~~HMOs,~~] and other regulated persons to update old references to TDI telephone numbers, fax [~~fa~~simile] numbers, email addresses, the website address, and TDI mailing addresses [~~the street address~~] with the new contact information as follows.[:]

(1) Where a section in Title 28, Part 1 references the domain name "tdi.state.tx.us" in a website or email address, this section [~~subsection~~] substitutes "tdi.texas.gov" as the new domain name. Insurers, HMOs, and other regulated persons must update all their documents and information described in §1.208(a) [~~§1.208(b)~~] of this title [~~chapter~~] to reflect the current domain name.

(2) Where a section in Title 28, Part 1 references any of the following telephone or fax numbers, this section [~~subsection~~] substitutes the new number as referenced in Figure: 28 TAC §1.209(2). [~~Figure: 28 TAC §1.209(a)(2).~~] Insurers, HMOs, and

other regulated persons must update all their documents and information described in §1.208(a) [~~§1.208(b)~~] of this title [~~chapter~~] to reflect the current telephone and fax [~~facsimile~~] numbers.

Figure: 28 TAC §1.209(2) [~~Figure: 28 TAC §1.209(a)(2)~~]

Telephone or Fax Number in Rule, Form, or Figure	New Telephone and Fax Number
512-305-7211 (telephone)	800-252-3439 (telephone)
512-305-7900 (telephone)	512-676-7900 (telephone)
512-305-7922 (fax)	512-490-1056 (fax)
512-305-7934 (telephone)	512-676-6551 (telephone)
512-322-2212 (telephone)	512-676-6763 (telephone)
512-322-2273 (fax)	512-490-1051 (fax)
512-322-3417 (fax)	512-490-1051 (fax)
512-322-3418 (fax)	512-490-1051 (fax)
512-322-3401 (telephone)	512-676-6889 (telephone)
512-322-3409 (telephone)	512-676-6889 (telephone)
512-322-3435 (telephone)	512-676-6750 (telephone)
512-322-3482 (telephone)	512-676-6475 (telephone)
512-322-3503 (telephone)	512-676-6500 (telephone)
512-322-3505 (telephone)	512-676-6375 (telephone)
512-344-3506 (telephone)	512-676-6889 (telephone)
512-322-3507 (telephone)	512-676-6375 (telephone)
512-322-3535 (telephone)	512-676-6395 (telephone)
512-322-3552 (fax)	512-490-1017 (fax)
512-322-3553 (fax)	512-490-1036 (fax)
512-322-3579 (telephone)	512-676-6392 (telephone)
512-322-4370 (telephone)	512-676-6385 (telephone)
512-322-5023 (telephone)	512-676-6375 (telephone)
512-322-5026 (fax)	512-490-1010 (fax)
512-463-6515 (telephone)	800-252-3439 (telephone)
512-463-6693 (fax)	512-490-1048 (fax)
512-475-1757 (telephone)	512-676-6551 (telephone)
512-475-1771 (fax)	512-490-1007 (fax)
512-475-1819 (fax)	512-490-1029 (fax)
512-475-1878 (telephone)	512-676-6690 (telephone)
512-475-3026 (telephone)	512-676-6690 (telephone)

(3) ~~[(b)]~~ Where a section in Title 28, Part 1 references the address at 1110 San Jacinto Boulevard, Austin, Texas 78701 or 333 Guadalupe Street, Austin, Texas 78701, this section ~~[subsection]~~ substitutes 1601 Congress Avenue, Austin, Texas, 78701. Where a section in Title 28, Part 1 references the Texas Department of Insurance mailing address as P.O. Box 149104, Austin, TX 78714-9104, this section substitutes PO Box 12030, Austin, TX 78711-2030. ~~[333 Guadalupe Street, Austin, Texas 78701.]~~ Insurers, HMOs, and other regulated persons must update all their documents and information described in §1.208(a) ~~§1.208(b)]~~ to reflect the new address.

~~[(c) Specific rules and forms affected by this subsection are listed on TDI's rules page at www.tdi.texas.gov/rules/index.html.]~~

§1.210. Notice to Customers.

For contracts, plans, or policies that are in effect but do not expire, insurers and health maintenance organizations ~~[HMOs]~~ must notify their customers by providing the applicable updated notice forms required ~~[Important Notice]~~ in §1.601 and §1.602 of this title, ~~[chapter,]~~ not later than September 1, 2023. ~~[June 1, 2016.]~~ This section does not apply to title insurance agents or title insurance companies.

SUBCHAPTER E. NOTICE OF TOLL-FREE TELEPHONE NUMBERS AND PROCEDURES FOR OBTAINING INFORMATION AND FILING COMPLAINTS. 28 TAC §1.601 AND §1.602

STATUTORY AUTHORITY. TDI proposes amendments to §1.601 and §1.602 under Insurance Code §§32.104(b), 521.005(a)(2), 521.005(b), and 36.001.

Insurance Code §32.104(b) provides that the Commissioner adopt appropriate wording for the notice of the internet website required by Insurance Code Chapter 32, Subchapter D.

Insurance Code §521.005(a)(2) provides that each insurance policy delivered or issued for delivery in this state must include a brief written notice that includes TDI's name and address.

Insurance Code §521.005(b) provides that the Commissioner adopt appropriate wording for the notice required by the section.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. The amendments to §1.601 affect Insurance Code §§521.005, 521.056, and 521.103. The amendments to §1.602 affect Insurance Code §32.102 and §32.104.

TEXT.

§1.601. Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures.

(a) Purpose and applicability.

(1) The purpose of this section is to provide the means for insurers and health maintenance organizations (HMOs) to comply with the notice requirements of Insurance Code §521.103, concerning Information Included in Evidence of Coverage or Policy; §521.005, concerning Notice to Accompany Policy; and §521.056, concerning Information Bulletin to Accompany Policy. Compliance with this section is deemed compliance with these notice requirements.

(2) The notice must be provided at the time of delivery with all policies, bonds, annuity contracts, certificates, or evidences of coverage that are delivered, issued for delivery, or renewed in Texas by insurers or HMOs. When insurers add a certificate

holder, annuitant, or enrollee to a group policy or group plan, insurers must also provide the notice when the certificate, annuity contract, or evidence of coverage is delivered.

(A) The notice must appear on a full, separate page with no text other than that provided in this section. The notice must be prominently placed in any package of documents it is delivered with, and it must be the first, second, or third page of the set of documents.

(B) The form of the notice must be consistent with Figure: 28 TAC §1.601(a)(2)(B) and the requirements of subsection (b) of this section. The form of notice is not required to be filed with the department.

Figure: 28 TAC §1.601(a)(2)(B)

Have a complaint or need help?

If you have a problem with a claim or your premium, call your insurance company or HMO first. If you can't work out the issue, the Texas Department of Insurance may be able to help.

Even if you file a complaint with the Texas Department of Insurance, you should also file a complaint or appeal through your insurance company or HMO. If you don't, you may lose your right to appeal.

[Insert insurance company or HMO name]

To get information or file a complaint with your insurance company or HMO:

Call: [insert title] at [insert phone number]

Toll-free: [insert phone number]

[optional] Online: [insert company URL]

Email: [insert email address]

Mail: [insert mailing address]

The Texas Department of Insurance

To get help with an insurance question or file a complaint with the state:

Call with a question: 1-800-252-3439

File a complaint: www.tdi.texas.gov

Email: ConsumerProtection@tdi.texas.gov

Mail: Consumer Protection, MC: CO-CP, Texas Department of Insurance, PO Box 12030, Austin, TX 78711-2030 [~~MC 111-1A, P.O. Box 149091, Austin, TX 78714-9091~~]

¿Tiene una queja o necesita ayuda?

[~~¿Tiene una queja o necesita ayuda?~~]

Si tiene un problema con una reclamación o con su prima de seguro, llame primero a su compañía de seguros o HMO. Si no puede resolver el problema, es posible que el Departamento de Seguros de Texas (Texas Department of Insurance, por su nombre en inglés) pueda ayudar.

Aun si usted presenta una queja ante el Departamento de Seguros de Texas, también debe presentar una queja a través del proceso de quejas o de apelaciones de su compañía de seguros o HMO. Si no lo hace, podría perder su derecho para apelar.

[Insert insurance company or HMO name]

Para obtener información o para presentar una queja ante su compañía de seguros o HMO:

Llame a: [insert title] al [insert phone number]

Teléfono gratuito: [insert phone number]

[optional] En línea: [insert company URL]

Correo electrónico: [insert email address]

Dirección postal: [insert mailing address]

El Departamento de Seguros de Texas

Para obtener ayuda con una pregunta relacionada con los seguros o para presentar una queja ante el estado:

Llame con sus preguntas al: 1-800-252-3439

Presente una queja en: www.tdi.texas.gov

Correo electrónico: ConsumerProtection@tdi.texas.gov

Dirección postal: Consumer Protection, MC: CO-CP, Texas Department of Insurance, PO Box 12030, Austin, TX 78711-2030 [~~MC 111-1A, P.O. Box 149091, Austin, TX 78714-9091~~]

(C) The form of the notice for workers' compensation must be consistent with Figure: 28 TAC §1.601(a)(2)(C) and the requirements of subsection (b) of this section. The form of notice is not required to be filed with the department.

Figure: 28 TAC §1.601(a)(2)(C)

Have a workers' compensation complaint or need help?

Contact your insurance company if you have a question or problem about your premium or a claim:

[Insert insurance company name]
Call: [insert title] at [insert phone number]
Toll-free: [insert phone number]
[optional] Online: [insert company URL]
Email: [insert email address]
Mail: [insert mailing address]

For problems with your policy

If your problem with the premium is not resolved, contact the National Council on Compensation Insurance, Dispute Resolution Services:

Mail: 901 Peninsula Corporate Circle, Boca Raton, FL 33487-1362
Fax: 561-893-5043
Email: regulatoryoperations@ncci.com
Phone: 1-800-622-4123

If you believe there has been a violation of law related to your workers' compensation policy, file a complaint with the Texas Department of Insurance:

Call: 1-800-252-3439
Online: www.tdi.texas.gov
Email: ConsumerProtection@tdi.texas.gov
Mail: Consumer Protection, MC: CO-CP, Texas Department of Insurance, PO Box 12030, Austin, TX 78711-2030 [~~MC 111-1A, P.O. Box 149091, Austin, Texas 78714-9091~~]

For employees with claim issues

If one of your employees has a problem with a claim, contact the Texas Department of Insurance, Division of Workers' Compensation, Compliance and Investigations:

Mail: Compliance and Investigations, MC: CI, Texas Department of Insurance, Division of Workers' Compensation, PO Box 12050, Austin, TX 78711-2050 [~~MS-8, 7551 Metro Center Drive, Suite 100, Austin, TX 78744~~]
Fax: 512-490-1030
Email: DWCCOMPLAINTS@tdi.texas.gov [~~DWC-ComplianceReview@tdi.texas.gov~~]
Phone: 1-800-252-7031

¿Tiene una queja de compensación para trabajadores o necesita ayuda?

Comuníquese con su compañía de seguros si tiene una pregunta o problema relacionado con su prima de seguro o con una reclamación:

[Insert insurance company name]

Llame a: [insert title] al [insert phone number]

Teléfono gratuito: [insert phone number]

[optional] En línea: [insert company URL]

Correo electrónico: [insert email address]

Dirección postal: [insert mailing address]

Para problemas con su póliza

Si su problema con la prima de seguro no es resuelto, comuníquese con el Consejo Nacional de Seguros de Compensación (National Council on Compensation Insurance, por su nombre en inglés), Servicios para la Resolución de Disputas:

Correo postal: 901 Peninsula Corporate Circle, Boca Raton, FL 33487-1362

Fax: 561-893-5043

Correo electrónico: regulatoryoperations@ncci.com

Teléfono: 1-800-622-4123

Si usted piensa que ha habido una violación a la ley, la cual está relacionada con su póliza de compensación para trabajadores, presente una queja ante el Departamento de Seguros de Texas:

Llame al: 1-800-252-3439

En línea: www.tdi.texas.gov

Correo electrónico: ConsumerProtection@tdi.texas.gov

Correo postal: Consumer Protection, MC: CO-CP, Texas Department of Insurance, PO Box 12030, Austin, TX 78711-2030 [~~MC 111-1A, P.O. Box 149091, Austin, Texas 78714-9091~~]

Para empleados que tienen problemas con sus reclamaciones

Si uno de sus empleados tiene un problema con una reclamación, comuníquese con la Sección de Cumplimiento e Investigaciones (Compliance and Investigations, por su nombre en inglés) del Departamento de Seguros de Texas, División de Compensación para Trabajadores (Texas Department of Insurance, Division of Workers' Compensation, por su nombre en inglés).

Correo postal: Compliance and Investigations, MC: CI, Texas Department of Insurance, Division of Workers' Compensation, PO Box 12050, Austin, TX 78711-2050 [~~MS-8, 7551 Metro Center Drive, Suite 100, Austin, TX 78744~~]

Fax: 512-490-1030

Correo electrónico: DWCCOMPLAINTS@tdi.texas.gov [~~DWC-ComplianceReview~~
~~@tdi.texas.gov~~]

Teléfono: 1-800-252-7031

(b) Notice requirements. The text may be single spaced, but it must include at least one blank line between each paragraph. The Spanish portion of the notice is required for personal automobile, homeowners, life, accident, and health policies, certificates, and evidences of coverage. The notice may include the letterhead of the insurer or HMO and any automated form identification numbers.

(1) The notice must include a title and telephone number for the insurer or HMO. At its option, the insurer or HMO may provide the name and telephone number of an agent, third-party administrator, managing general agent, or employee benefits coordinator. The telephone number must be in bold type and be preceded and followed by one blank line. The insurer or HMO must provide a toll-free telephone number, unless one of the exemptions in subparagraphs (A) - (C) of this paragraph applies. For purposes of this section, a toll-free telephone number is one that any covered person can use to get information or make a complaint without incurring long-distance calling expenses. An insurer or HMO is exempt from providing a toll-free number:

(A) when the insurer's or HMO's gross initial premium receipts collected in Texas are less than \$2 million a year;

(B) with respect to fidelity, surety, or guaranty bonds; or

(C) if it is a surplus lines insurer.

(2) The notice must include a mailing address and email address for the insurer or HMO. The notice may include a company's URL address.

(3) The notice must be in a type [~~font~~] size no smaller than 10 point.

(c) Exceptions to maintenance of toll-free number. Any exception claimed under subsection (b)(1)(A) of this section must be based on gross initial premium receipts

collected in Texas during the previous calendar year. This information and any other data that the company relied on to determine if it was entitled to an exception is subject to examination by the department. Failure by any insurer or HMO to maintain the information required in this paragraph, or failure to provide information to the department on request, constitutes grounds for enforcement action that may result in the cancellation, revocation, or suspension of the insurer's or HMO's certificate of authority. Any insurer or HMO claiming an exception must retain and provide to the department on request ~~[the following information]~~:

(1) the statutory basis for the exception; and

(2) the amount of gross initial premium receipts collected in Texas for the calendar year immediately preceding the year for which an exception is claimed. The gross initial premium receipts collected may be documented either by:

(A) the annual statement submitted by the insurer or HMO; or

(B) records maintained for each new policy written during a calendar year that include the policy number, the effective date of the policy, and the amount of initial premium received, including any membership fees, assessments, dues, and any other considerations for that insurance.

(d) Providing notice. Insurers and HMOs will not need to refile previously approved policies, bonds, annuity contracts, certificates, or evidences of coverage, but they must provide the notice in the manner required by this section.

(e) Implementation date. Insurers and HMOs must begin using the notice form described in subsection (a)(2) of this section no later than July 1, 2023. ~~[May 1, 2020.]~~ Insurers and HMOs may continue using the previous notice form until that time.

§1.602. Notice of ~~[Internet]~~ Website.

(a) Purpose and applicability.

(1) The purpose of this section is to establish the form and content of the notice required under Insurance Code §32.104(b), concerning Duties of Insurer.

(2) This section applies to insurers ~~that [who]~~ comprise the top-25 ~~[top-25]~~ insurance groups in the national market and ~~that [who]~~ issue residential property insurance or personal automobile insurance policies in this state, including a Lloyd's plan, a reciprocal or interinsurance exchange, a county mutual insurance company, a farm mutual insurance company, the Texas Windstorm Insurance Association, the FAIR Plan Association, and the Texas Automobile Insurance Plan Association.

(3) This section applies to all residential property insurance and personal automobile insurance policies that are delivered, issued for delivery, or renewed in this state on or after January 1, 2008.

(b) Notice requirements. Insurers must comply with either subsection (b)(1) or (b)(2) of this section, or may opt to comply with both. ~~;~~

(1) Notwithstanding the requirements in §1.601(a)(2) of this title (relating to Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures), the insurer must include the text in subparagraphs (A) and (B) of this paragraph ~~[the following text]~~ in the notice required under §1.601(a)(2) of this title with each policy specified. The text must be in a type ~~[font]~~ size no smaller than 10 point. The heading "To compare policies and prices" must be in bold type. The website address "HelpInsure.com" ~~["Helpinsure.com"]~~ must be in bold type and must be preceded by one blank line.

(A) "To compare policies and prices: Visit HelpInsure.com to compare prices and coverages on home and auto insurance policies. The website is a service of the Texas Department of Insurance and the Office of Public Insurance Counsel" in the English portion. ~~;~~ ~~and]~~

(B) "Para comparar pólizas y precios: Visite HelpInsure.com para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio

web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés)" in the Spanish portion.

(C) Insurers must begin using the notice form described in this paragraph ~~[(b) of this section]~~ no later than July 1, 2023. ~~[May 1, 2020.]~~ Insurers may continue using the previous notice form until that time.

Figure: 28 TAC §1.602(b)(1)(C)

Where you can get information or make a complaint

If you have a question or a problem with a claim or your premium, contact your insurance company first. You can also get information or file a complaint with the Texas Department of Insurance.

[Insert insurance company name]

To get information or file a complaint with your insurance company:

Call: (insert title) at [insert phone number]

Toll-free: [insert phone number]

[optional] Online: [insert company URL]

Email: [insert email address]

Mail: [insert mailing address]

The Texas Department of Insurance

To get help with an insurance question, learn about your rights, or file a complaint with the state:

Call: 1-800-252-3439

Online: www.tdi.texas.gov

Email: ConsumerProtection@tdi.texas.gov

Mail: Consumer Protection, MC: CO-CP, Texas Department of Insurance, PO Box 12030, Austin, TX 78711-2030 ~~[MC 111-1A, P.O. Box 149091, Austin, TX 78714-9091]~~

To compare policies and prices

Visit **HelpInsure.com** to compare prices and coverages on home and auto insurance policies. The website is a service of the Texas Department of Insurance and the Office of Public Insurance Counsel.

Donde puede obtener información o presentar una queja

Si tiene una pregunta o un problema con una reclamación o con su prima de seguro, comuníquese primero con su compañía de seguros. Usted también puede obtener información o presentar una queja ante el Departamento de Seguros de Texas (Texas Department of Insurance, por su nombre en inglés).

[Insert Insurance Company Name]

Para obtener información o para presentar una queja ante su compañía de seguros:

Llame a: [insert title] al [insert phone number]

Teléfono gratuito: [insert phone number]

[optional] En línea: [insert company URL]

Correo electrónico: [insert email address]

Dirección postal: [insert mailing address]

El Departamento de Seguros de Texas

Para obtener ayuda con una pregunta relacionada con los seguros, para conocer sus derechos o para presentar una queja ante el estado:

Llame: 1-800-252-3439

En línea: www.tdi.texas.gov

Correo electrónico: ConsumerProtection@tdi.texas.gov

Dirección postal: Consumer Protection, MC: CO-CP, Texas Department of Insurance, PO Box 12030, Austin, TX 78711-2030 [MC 111-1A, P.O. Box 149091, Austin, TX 78714-9091]

Para comparar pólizas y precios

Visite **HelpInsure.com** para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés).

(2) The insurer must provide the following notice in a conspicuous manner with each policy. The notice must be printed in type [font] size that is at least as large as the type [font] used for the main body of the policy, and it must be preceded and followed by at least one blank line. "Insurance Website Notice" and "Aviso del Sitio Web de Seguros" must be in all capital letters and bold type and "HelpInsure.com" [Helpinsure.com] must be in bold type. Insurers must begin using the notice described

in this paragraph no later than May 1, 2020. Insurers may continue using the previous notice until that time.

Figure: 28 TAC §1.602(b)(2)

INSURANCE WEBSITE NOTICE

To compare policies and prices

Visit **HelpInsure.com** to compare prices and coverages on home and auto insurance policies. The website is a service of the Texas Department of Insurance and the Office of Public Insurance Counsel.

AVISO DEL SITIO WEB DE SEGUROS

Para comparar pólizas y precios

Visite **HelpInsure.com** para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés).

SUBCHAPTER F. SUMMARY PROCEDURES FOR ROUTINE MATTERS. 28 TAC §1.705

STATUTORY AUTHORITY. TDI proposes amendments to §1.705 under Insurance Code §36.103(d) and §36.001.

Insurance Code §36.103(d) provides that the Commissioner may adopt rules relating to an application for review under Insurance Code §36.103 and consideration of the application.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. The amendments to §1.705 affect Insurance Code §36.102 and §36.103.

TEXT.

§1.705. Review.

Any person affected by any action taken by an associate or deputy commissioner under this subchapter may petition the Commissioner [~~commissioner~~] for a hearing to review the matter. The petition must [~~shall~~] contain an identification of the matter complained of and a petitioner's statement, including a rebuttal of the associate or deputy commissioner's action with specific particularity to inform the Commissioner [~~commissioner~~] and any interested persons of the petitioner's reasons and arguments serving as the basis of the petition. The petition must [~~shall~~] be filed with the Chief Clerk, by mail to MC: GC-CCO, Texas Department of Insurance, PO Box 12030, Austin, Texas 78711-2030; or by email to ChiefClerk@tdi.texas.gov. [~~Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.~~] The review will [~~shall~~] be conducted under [~~pursuant to~~] the Texas Administrative Procedure Act. Any further relief sought is governed by Insurance Code §§36.201 - 36.205.

**SUBCHAPTER G. NOTICE AND PROCESSING PERIODS FOR PERMIT APPLICATIONS.
28 TAC §1.804**

STATUTORY AUTHORITY. TDI proposes amendments to §1.804 under Insurance Code §36.001.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. The amendments to §1.804 affect Government Code §2005.003.

TEXT.

§1.804. Manner of Notice.

~~[(a) Posting.]~~

~~[(1) Complete application or form. Written notice that an application or form is complete and accepted for filing may be given under this subchapter by posting, provided that required processing and disapproval information, if any, has been furnished to the applicant.]~~

~~[(2) Location. Posting requires display in a conspicuous place accessible to the public in the agency's office at 1110 San Jacinto Boulevard in Austin, except for notice under §1.812 of this title (relating to State Fire Marshal Permits) which shall be in the State Fire Marshal's Office at 7901 Cameron Road, Building 2, Austin.]~~

~~[(b)] Notice. Written [Except as provided in subsection (a) of this section, written] notice that an application is complete or deficient will be [must be mailed to the applicant or] delivered to the applicant by such means as will reasonably provide actual notice, such as through a designated email address provided by the applicant under §1.1302 of this title (relating to Electronic Communications from the Texas Department of Insurance).~~

SUBCHAPTER BB. FORMS PRIVACY NOTICE.
28 TAC §1.2803

STATUTORY AUTHORITY. TDI proposes amendments to §1.2803 under Government Code §559.004 and Insurance Code §36.001.

Government Code §559.004 requires each state governmental body to establish a reasonable procedure through which an individual is entitled to have the state governmental body correct information about the individual the state possesses that is incorrect.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. The amendments to §1.2803 affect Government Code §559.003 and §559.004.

TEXT.

§1.2803. Notice About Certain Information Laws and Practices.

(a) The following notice is hereby incorporated into all forms adopted directly or by reference under this title and for which the department collects information about an individual by means of a form that the individual completes and files with the department in a paper format or in an electronic format, including on the department's website.
[Internet site.]

Figure: 28 TAC §1.2803(a)

NOTICE ABOUT CERTAIN INFORMATION LAWS AND PRACTICES

With few exceptions, you are entitled to be informed about the information that the Texas Department of Insurance (TDI) collects about you. Under §552.021 and §552.023 of the Texas Government Code, you have a right to review or receive copies of information about yourself, including private information. However, TDI may withhold information for reasons other than to protect your right to privacy. Under §559.004 of the Texas Government Code, you are entitled to request that TDI correct information that TDI has about you that is incorrect. For more information about the procedure and costs for obtaining information from TDI or about the procedure for correcting information kept by TDI, please contact RecordCorrections@tdi.texas.gov [the Agency Counsel Section of TDI's Legal and Compliance Division at (512) 475-1757] or visit [the Corrections Procedure section of] TDI's website [web page] at www.tdi.texas.gov to find instructions on how to correct incorrect information. [www.tdi.state.tx.us.]

(b) The notice incorporated by subsection (a) of this section will [~~shall~~] be deemed incorporated into such forms as of the effective date of this section. [~~subchapter.~~]

CERTIFICATION. This agency certifies that legal counsel has reviewed the proposal and found it to be within the agency's authority to adopt.

Issued in Austin, Texas, on December 22, 2022.

DocuSigned by:
Allison Eberhart
D03DCB0BCCB94B6...

Allison Eberhart, Deputy General Counsel
Texas Department of Insurance