

No. **2023-7947**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 05/09/2023

Subject Considered:

**National Council on Compensation Insurance Filing
*Item 01-TX-2023—Revisions to Forms Manual Forms and Endorsements Applicable
in Texas and Basic Manual Rules Related to the Texas Group Purchase Program***

The subject of this order is the adoption of amendments to the National Council on Compensation Insurance (NCCI) manuals, as proposed in *Item 01-TX-2023—Revisions to Forms Manual Forms and Endorsements Applicable in Texas and Basic Manual Rules Related to the Texas Group Purchase Program* (TDI ECase No. 31534; SERFF Tracking Nos. NCCI-133568073 and NCCI-133567998).

Background

NCCI filed *Item 01-TX-2023* to amend the NCCI *Basic Manual for Workers Compensation and Employers Liability Insurance for Texas* (Basic Manual) and the *Forms Manual of Workers Compensation and Employers Liability Insurance* (Forms Manual). The filing clarifies and consolidates forms, and updates NCCI and TDI contact information.

After considering the filing, the commissioner of insurance adopts the following findings of fact and conclusions of law.

Findings of Fact

1. NCCI filed *Item 01-TX-2023* with TDI on February 21, 2023, under the workers' compensation manual rule filing procedure adopted in Commissioner's Order No. 3142, dated March 21, 2014.
2. *Item 01-TX-2023* amends the Basic Manual and Forms Manual to:
 - a. adopt the current Federal Employers' Liability Act Coverage Endorsement (WC 00 01 04 A) for use in Texas and withdraw the Federal Employers' Liability Act

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- Coverage Endorsement (WC 00 01 04). The new endorsement clarifies that it provides coverage by stating that a policy exclusion does not apply;
 - b. update TDI and NCCI contact information in the Texas Amendatory Endorsement;
 - c. eliminate the Texas – Audit Premium and Retrospective Premium Endorsement and instead add the language from it to the Texas Amendatory Endorsement;
 - d. replace group purchase form numbers with the form names in the Basic Manual for Texas; and
 - e. update the TDI contact information in the group purchase forms.
3. NCCI proposed that the changes in *Item 01-TX-2023* apply to new and renewal policies that are effective on or after 12:01 a.m. on July 1, 2023.
4. *Item 01-TX-2023* has been available for public inspection in SERFF and at TDI since the filing date.
5. The filing, including exhibits, is incorporated by reference into this order.
6. On March 14, 2023, TDI published notice of the filing on the TDI website at www.tdi.texas.gov/rules/2023/nccimannual.html and distributed notice of the filing to electronic news subscribers.
7. TDI received no written comments or hearing requests on the filing by the April 13, 2023, deadline.

Conclusions of Law

1. TDI has jurisdiction over this matter under Insurance Code Article 5.96 and §§ 2051.002, 2051.201, 2052.002, 2053.002, 2053.011, 2055.002, and 2055.006.
2. TDI gave notice in compliance with Commissioner's Order No. 3142.
3. The amendments to the NCCI Basic Manual and Forms Manual are consistent with Insurance Code Article 5.96 and Chapters 2051, 2052, 2053, and 2055.
4. Applying the changes in *Item 01-TX-2023* to new and renewal policies that are effective on or after 12:01 a.m. on July 1, 2023, is reasonable.

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Order

It is ordered that NCCI's filing, *Item 01-TX-2023—Revisions to Forms Manual Forms and Endorsements Applicable in Texas and Basic Manual Rules Related to the Texas Group Purchase Program*, is approved. The changes in *Item 01-TX-2023* apply to new and renewal policies that are effective on or after 12:01 a.m. on July 1, 2023.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

DocuSigned by:

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Mark Worman, Deputy Commissioner

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Jessica Barta, General Counsel