

TITLE 28. INSURANCE

PART 2. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

CHAPTER 102: PRACTICES AND PROCEDURES – GENERAL PROVISIONS

Title 28 Texas Administrative Code (TAC) §102.7

1. INTRODUCTION. The commissioner of workers' compensation (commissioner), Texas Department of Insurance, Division of Workers' Compensation (DWC) adopts amendments to 28 TAC §102.7. The changes delete abbreviations for the terms "contested case hearing officer," "benefit review office," and "electronic claims submission," and adds abbreviations for the terms "Texas Department of Insurance, Division of Workers' Compensation" and "Office of Injured Employee Counsel." The amendments are adopted without changes to the proposed text published in the November 2, 2018, issue of the *Texas Register* (43 TexReg 7311). In accordance with Texas Government Code §2001.033, DWC's reasoned justification for this amended section is set out in this order, which includes the preamble and the rules. The public comment period ended on December 3, 2018. No public hearing was requested.

2. BACKGROUND AND PURPOSE. House Bill (HB) 2111, enacted by the 85th Texas Legislature, Regular Session, replaced all references to "hearing officer" in the Texas Workers' Compensation Act with "administrative law judge." The purpose of this amendment is to make conforming changes to the division's rules. In addition, DWC removed abbreviations for "contested case hearing officer," "benefit review office," and

“electronic claims submission” because these abbreviations are not used in the current rules. Finally, DWC adds abbreviations for the terms “Texas Department of Insurance, Division of Workers’ Compensation” and “Office of Injured Employee Counsel.”

3. SUMMARY OF COMMENTS AND AGENCY RESPONSE

General: Commenter expressed support for the proposal.

DWC Response: DWC appreciates the supportive comment.

4. NAMES OF THOSE COMMENTING FOR AND AGAINST THE PROPOSAL

For: Office of Injured Employee Counsel

For, with changes: None

Against: None

Neither for nor against: None

5. STATUTORY AUTHORITY. The amendment is adopted under the authority of Labor Code §§402.00111, 402.00116, 402.00128, and 402.061.

Labor Code §402.00111 states that the commissioner of workers’ compensation shall exercise all executive authority, including rulemaking authority, under the Texas Workers’ Compensation Act.

Labor Code §402.00116 states that the commissioner of workers’ compensation is the division’s chief executive and administrative officer and shall administer and enforce the Texas Workers’ Compensation Act, other workers’ compensation laws of this state, and other laws granting jurisdiction to or applicable to the division or the commissioner of workers’ compensation.

Labor Code §402.00128 states that the commissioner of workers' compensation shall conduct the daily operations of the division and otherwise implement division policy and, among other functions, may delegate; assess and enforce penalties; and enter appropriate orders.

Labor Code §402.061 states that the commissioner shall adopt rules as necessary for the implementation and enforcement of the Texas Workers' Compensation Act.

The adopted amendments affect the Texas Workers' Compensation Act, Texas Labor Code, Title 5, Subtitle A.

6. TEXT.

§102.7. Abbreviations. When used in this title, the following terms may be abbreviated as follows:

- (1) Additional Lost Time - ALT;
- (2) Average Weekly Wage - AWW;
- (3) Benefit Review Conference - BRC;
- (4) Contested Case Hearing (also Benefit Contested Case Hearing) - CCH.
- (5) Death Benefits - DBs;
- (6) Texas Department of Insurance, Division of Workers' Compensation –
division or DWC;
- (7) Electronic Data Interchange - EDI
- (8) Health Care Provider - provider or HCP;

- (9) Impairment Income Benefits - IIBs;
- (10) Impairment Rating - IR;
- (11) Injured Employee - employee;
- (12) Insurance Carrier - carrier;
- (13) Lifetime Income Benefits - LIBs;
- (14) Maximum Medical Improvement - MMI;
- (15) Office of Injured Employee Counsel – OIEC;
- (16) Post Injury Earnings (also Weekly Earnings After the Injury) - PIE;
- (17) Required Medical Exam - RME;
- (18) Return to Work - RTW;
- (19) Supplemental Income Benefits - SIBs;
- (20) Temporary Income Benefits - TIBs;
- (21) Texas Workers' Compensation Act - the Act or the Statute; and
- (22) Texas Workers' Compensation Commission – TWCC or the Commission.

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

Issued at Austin, Texas, on December 17, 2018.

X

Nicholas Canaday III
General Counsel
Texas Department of Insurance,
Division of Workers' Compensation

The commissioner adopts amendments to §102.7.

Cassie Brown
Commissioner of Workers' Compensation

COMMISSIONER'S ORDER NO. _____

ATTEST:

X

Nicholas Canaday III
General Counsel
Texas Department of Insurance, Division of Workers' Compensation

COMMISSIONER'S ORDER NO. _____