

TITLE 28. INSURANCE

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

**CHAPTER 102: PRACTICE AND PROCEDURES – GENERAL PROVISIONS
AMEND: §102.8**

1. INTRODUCTION.

The Texas Department of Insurance (Department), Division of Workers' Compensation (Division) adopts amendments to §102.8, concerning Information Requested on Written Communications to the Commission. This section is adopted without changes to the proposed text as published in the July 5, 2013, issue of the *Texas Register* (38 TexReg 4297) and will not be republished.

The amended section updates terminology used in the rule text and title and deletes a subsection that referred to a previously repealed section. Adopted §102.8 also amends the rule heading by adding the word "Division" and deleting the word "Commission".

In accordance with Government Code §2001.033, this preamble contains a summary of the factual basis of the rule, a summary of comments received from interested parties, names of those groups and associations who commented and whether they were in support of or in opposition to adoption of the rule, and the reasons why the Division agrees or disagrees with the comments and suggestions. Changes made to the proposed rule are in response to public comments received in writing; and are described in the summary of comments and responses section of this preamble.

The proposed text and title was published in the July 5, 2013, issue of the *Texas Register* (38 TexReg 4297). The public comment period closed on August 5, 2013. No written comments were received. There was not a request for a public hearing submitted to the Division.

Adopted amended §102.8 replaces the term "Commission" with the term "Division" in the title of the section.

Adopted amended §102.8(a) replaces the term "Commission" with the term "Division" and replaces the term "worker" with the term "employee"

Adopted amended §102.8(b) is deleted. It refers to an older version of §133.1 that has been repealed.

Adopted amended §102.8(c) is renumbered to be §102.8(b). An acronym (EDI) is added to the text behind Electronic Data Interchange.

2. SUMMARY OF COMMENTS AND AGENCY RESPONSES.

There were no comments received on the rule.

3. STATUTORY AUTHORITY.

The amendments are adopted under Labor Code §§401.024, 402.00111, 402.061 and 414.004. Section 401.024 provides the Division the authority to require use of facsimile or other electronic means to transmit information in the system. Section 402.00111 provides that the Commissioner of Workers' Compensation shall exercise all executive authority, including rulemaking authority, under the Labor Code. Section 402.061 provides the Commissioner the authority to adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act. Section 414.004 requires insurance carriers to make available any records or other necessary information.

4. TEXT.

There were no changes to the proposed text or title as published in the July 5, 2013 issue of the *Texas Register* (38 TexReg 4297) and it will not be republished.

5. CERTIFICATION.

This agency hereby certifies that the adopted amendments have been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued at Austin, Texas, on _____.

X

Dirk Johnson
General Counsel
Texas Department of Insurance,
Division of Workers' Compensation

IT IS THEREFORE THE ORDER of the Commissioner of Workers' Compensation that the amendments to 28 TAC §102.8, concerning Information Requested on Written Communications to the Commission, are adopted.

AND IT IS SO ORDERED.

X

ROD BORDELON
COMMISSIONER OF WORKERS' COMPENSATION

TITLE 28. INSURANCE
Part 2. Texas Department of Insurance,
Division of Workers' Compensation
Chapter 102 – Practice and Procedures – General Provisions

ATTEST:

X

Dirk Johnson
General Counsel

COMMISSIONER ORDER NO.