



TEXAS DEPARTMENT OF INSURANCE

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memo

To: Texas Workers' Compensation System Participants

From: Nicholas Canaday, General Counsel, Office of General Counsel

Date: October 24, 2018

Adoption: Amendments to 28 TAC §§127.1, 127.5, 127.10, 127.100, 127.110, 127.130, 127.140, and 127.220, regarding Designated Doctor Procedures and Requirements; Revised Forms: DWC

RE: Form-032, DWC Form-068, and an Internal Form.

On October 15, 2018, Commissioner of Workers' Compensation, Cassie Brown adopted amendments to 28 Texas Administrative Code (TAC) Chapter 127, concerning designated doctor procedures and requirements. The adoption order was filed with the Office of the Secretary of State on October 15, 2018, and will be published in the October 26, 2018, issue of the *Texas Register*. The adoption order may be viewed on the Secretary of State website at www.sos.state.tx.us/texreg/index.shtml.

The amendments are designed to provide balance and transparency in the designated doctor assignment process, retain doctors qualified to perform examinations, ensure availability of doctors qualified to evaluate injured employees, clarify designated doctor qualification standards, and update certification requirements. Additionally, several non-substantive amendments are included throughout 28 TAC Chapter 127.

In conjunction with these adopted rules, Commissioner Brown simultaneously finalized revisions to the following division forms:

- DWC Form-032, *Request for Designated Doctor Examination*;
- DWC Form-068, *Designated Doctor Examination Data Report*; and
- Internal form, *Presiding Officer's Directive to Order a Designated Doctor Exam*

Form revisions update format and language for consistency with rule amendments. Form revisions also simplify completion of the forms and make non-substantive changes for processing and clarity.

The amendments and the finalized forms have a delayed effective date of December 6, 2018. System participants should begin using the revised forms for designated doctor examinations requested on or after December 6, 2018, to ensure compliance with the amended rules.

A courtesy copy of the adoption order and forms and are available on the TDI website at www.tdi.texas.gov/wc/rules/2018rules.html.