



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Office of General Counsel (MS-15)

7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645

(512) 804-4703 | F: (512) 804-4276 | (800) 252-7031 | TDI.texas.gov | @TexasDWC

To: System Participants

From: Nicholas Canaday, III, General Counsel

Date: November 25, 2019

RE: Adopted Rules to Implement SB 935

The Texas Department of Insurance, Division of Workers' Compensation (DWC) is adopting rules to implement Senate Bill (SB) 935, 86th Legislature.

The rules establish requirements for processing medical bills for services provided to an injured employee by a federal military treatment facility (FMTF), as well as a separate medical dispute resolution process designed to address disputes over charges billed by FMTFs. The change in law made by SB 935 applies to health care services provided to an injured employee on or after January 1, 2020, regardless of the date of injury.

Rule 134.150. Reimbursement of Services Provided by a Federal Military Treatment Facility

- Establishes applicability of rules in subsections (a)-(b).
- Clarifies bill processing requirements in subsection (c)-(d).
- Clarifies that an insurance carrier may only deny a medical bill based on medical necessity, compensability, extent of injury, or liability in subsection (e).
- Requires carriers to report the first bill received from an FMTF to DWC.
- Clarifies that unreported bills are subject to a request for information under Rule 102.9 in subsection (g).

Rule 134.155. Federal Military Treatment Facility Disputes

- Provides that disputes for medical necessity will be adjudicated under Rule 133.308, except that an injured employee may initiate a dispute, may request reconsideration, and the insurance carrier will be responsible for all independent review organization fees in subsection (a)(1).
- Provides that all other disputes will be handled under the existing process for benefit review conferences in subsection (a)(2).
- Notes that a first responder may request expedited dispute resolution in subsection (c).

The adopted rules will be published in the December 6, 2019, issue of the *Texas Register* and will be available at www.sos.state.tx.us/texreg/index.shtml once published. A courtesy copy is on the [TDI website](#).

As required under Rule 134.150 (f), insurance carriers are required to report the first bill received from an FMTF to DWC. Instructions about where to submit the first bill can be found on the [TDI website](#).