



TEXAS DEPARTMENT OF INSURANCE

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memo

To: Workers' Compensation System Participants

From: Emily McCoy, Director, Office of Workers' Compensation Counsel

Date: June 28, 2016

Adoption: Amendments to 28 Texas Administrative Code (TAC) §134.204; new 28 TAC §§134.209, 134.210, 134.215, 134.220, 134.225, 134.230, 134.235, 134.239, 134.240, and 134.250; and repeal of 28 TAC

RE: §134.202 and §134.302

On June 07, 2016, Commissioner of Workers' Compensation Ryan Brannan adopted amendments to 28 TAC §134.204; and adopted new 28 TAC §§134.209, 134.210, 134.215, 134.220, 134.225, 134.230, 134.235, 134.239, 134.240, and 134.250 concerning medical fee guidelines for workers' compensation. The Commissioner also adopted the repeal of 28 TAC §134.202, concerning medical fee guideline, and 28 TAC §134.302, concerning dental fee guideline. The adoption was filed with the Office of the Secretary of State on June 17, 2016. The adoption will be published in the July 01, 2016, issue of the *Texas Register* and may be viewed on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml>. A courtesy copy of the adoption and stakeholder chart is available on the Texas Department of Insurance (TDI) website at <http://www.tdi.texas.gov/wc/rules/2016rules.html>.

The non-substantive reorganization of 28 TAC §134.204 reorganizes the existing subsections into several new sections for ease of compliance for system participants. Adopted amendments to 28 TAC §134.204 add an end date for the applicability of this section. New 28 TAC §§134.209, 134.210, 134.215, 134.220, 134.225, 134.230, 134.235, 134.239, 134.240, and 134.250 provide a more comprehensive format of the medical fee guideline for workers' compensation by separating the billing and reimbursement requirements found in existing 28 TAC §134.204. The repeal of 28 TAC §134.202 and §134.302 is necessary because the rules are no longer effective. In addition, the division posted a color-coded stakeholder chart to serve as a guide for system participants on the non-substantive revisions to 28 TAC §134.204 on the TDI website. The chart shows a side-by-side comparison of existing 28 TAC §134.204 and the new sections.

New 28 TAC §§134.209, 134.210, 134.215, 134.220, 134.225, 134.230, 134.235, 134.239, 134.240, and 134.250 apply to workers' compensation specific codes, services, and programs provided on or after September 1, 2016. Amended 28 TAC §134.204 will remain applicable for workers' compensation specific services until September 1, 2016.