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To: Texas Workers' Compensation System Participants

From: Kara Mace, General Counsel

Date: [November 22, 2023](#)

Subject: Adopted rules on claims for death benefits (implementing House Bill 2314)

The Texas Department of Insurance, Division of Workers' Compensation (DWC) [adopted amendments](#) to Title 28, Texas Administrative Code (28 TAC), [Section 122.100](#) and new 28 TAC Section 124.8, concerning claims for death benefits. The rules implement Texas Labor Code Sections [408.182](#) and [409.007](#), which were amended by House Bill 2314, 88th Legislature, Regular Session (2023).

The amendments and new section allow eligible beneficiaries to file claims for death benefits with DWC or an insurance carrier and clarify an insurance carrier's obligations for recordkeeping and notice to DWC. Existing rules require an insurance carrier to send a plain-language notice of potential entitlement to workers' compensation death benefits to a potential beneficiary. The new section requires the insurance carrier to copy DWC on that notice.

DWC made two changes in response to comments on the proposals. One change adjusted Section 122.100(d) from the proposed text to make the processes for collecting additional evidence from potential beneficiaries the same, regardless of filing method, and to streamline the text for clarity. The other change clarified Section 124.8(c)(1) to eliminate a potential conflict in the timing of the plain-language notice.

The rules were published in the September 29, 2023, issue of the *Texas Register* at 48 TexReg 5620 and 48 TexReg 5622. DWC held a public hearing on the rules on October 24, 2023. DWC received no oral comments at the hearing, and five written comments by the October 30, 2023, deadline.