



Texas Department of Insurance

Division of Workers' Compensation

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MEMORANDUM

DATE: December 15, 2010*

TO: Workers' Compensation System Participants

FROM: Christopher Bean, Workers' Compensation Counsel Section Chief

RE: Adoption: Amended 28 TAC §134.500 and §134.506 and New §§134.510, 134.520, 134.530, 134.540, and 134.550 regarding the Pharmacy Closed Formulary* and Amended §133.306 regarding Interlocutory Orders for Medical Benefits

On December 3, 2010 the Commissioner of Workers' Compensation, Rod Bordelon, adopted amended 28 Texas Administrative Code §134.500 and §134.506 and new §§134.510, 134.520, 134.530, 134.540, and 134.550 regarding the Pharmacy Closed Formulary* and amended §133.306 regarding Interlocutory Orders for Medical Benefits. The adoption was published in the December 17, 2010 issue of the *Texas Register* which may be accessed at <http://www.sos.state.tx.us/texreg/index.shtml> and may also be viewed on the Division of Workers' Compensation website at <http://www.tdi.state.tx.us/wc/rules/adopted/index.html>.

The purpose of this adoption is to comply with the requirements of House Bill 7, 79th Legislature, Regular Session, effective September 1, 2005; which requires the adoption of a pharmacy closed formulary pursuant to Labor Code §408.028(b). These rule adoptions are anticipated to bring more uniformity and cost certainty to prescribing medication to injured employees subject to the Texas workers' compensation system, to better coordinate health care pursuant to the Division's adopted treatment guidelines the *Official Disability Guidelines - Treatment in Workers' Comp*, and to safe guard delivery of medications to injured employees through the clarification of the process in which the Division may enter medical interlocutory orders in certain situations pertaining to the delivery of pharmaceuticals.

The DWC-064 form is being revised to conform with the adopted rules. The finalized form will be made available to system participants at a later date.

The adopted rules are effective September 1, 2011.*

If there are any questions regarding the information in this memo contact Christopher Bean (512) 804-4704 or by e-mail at Christopher.Bean@tdi.state.tx.us.

***28 TAC §§134.500, 134.506, 134.510, 134.520, 134.530, 134.540, and 134.550 regarding the Pharmacy Closed Formulary will become effective January 17th, 2011; notice of correction:**
[http://info.sos.state.tx.us/pls/pub/regviewer\\$ext.RegPage?sl=R&app=9&p_dir=&p_rloc=233218&p_tloc=&p_ploc=&pg=1&p_reg=233218&ti=&pt=&ch=&rl=&issue=01/14/2011&z_chk=2035455&z_contains=134^^^](http://info.sos.state.tx.us/pls/pub/regviewer$ext.RegPage?sl=R&app=9&p_dir=&p_rloc=233218&p_tloc=&p_ploc=&pg=1&p_reg=233218&ti=&pt=&ch=&rl=&issue=01/14/2011&z_chk=2035455&z_contains=134^^^).

For additional information about the effective date correction please see <http://www.tdi.state.tx.us/wc/rules/adopted/documents/rxfcorr0111.pdf>.